

W.A.(MD)No.358 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED : 07.04.2025

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU
and
THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.A(MD)No.358 of 2025
and
CMP(MD)Nos.2975 and 2976 of 2025

Krishnaveni

... Appellant

vs.

1. N.Murugesan Nadar

2. M.Mercy

3. The District Registrar (Administration),
Cheranmahadevi,
Tirunelveli District.

4. The Sub-Registrar,
Office of Sub-Registrar,
Kalakkad, Tirunelveli District.

5. M.Meena

6. V.Sriram

7. V.Renganathan

8. K.Karuppaiah

... Respondents



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Prayer: Writ Appeal filed under Clause 15 of the Letter Patent against the order of this Court in W.P(MD)No.1585 of 2025, dated 23.01.2025.

For Appellant : Mr.R.Anand
For R1 & R2 : Mr.Isaac Mohanlal, Senior Counsel
For R3 & R4 : Mr.N.Ramesh Arumugam
Government Advocate

JUDGMENT

(Judgment of the Court was delivered by **S.SRIMATHY, J.**)

This writ appeal is directed against the order made in W.P(MD)No.1585 of 2025, dated 23.01.2025.

2. The writ petition was filed challenging the order passed by the 3rd respondent herein dated 31.10.2023 dismissing the appeal filed by the respondents 1 and 2 herein / writ petitioners, as against the order of refusal check slip issued by the 4th respondent herein dated 22.06.2023, whereby, registration of the sale deed dated 02.05.2023 was refused on the ground that there is already an agreement



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for sale is pending and objection is raised by the agreement holder in respect of the property comprised in S.No.661/1B to an extent of 24 cents and S.No.661/1A to an extent of 6 cents situated at Padalayarkulam Village, Nanguneri Taluk, Tirunelveli District.

3. The Writ Court, considering the fact that the alleged agreement for sale is an unregistered one and that the suit filed by the appellant and 8th respondent herein in O.S.No.252 of 2023 is only for the relief of recovery of money and it has nothing to do with the agreement of sale, allowed the writ petition by setting aside the orders impugned therein and directed the 4th respondent / Sub Registrar to register the sale deed on re-presentation of the document by the writ petitioners. As against such an order, this intra-court appeal is filed.

4. Assailing the impugned order, learned counsel for the appellant submitted that the respondents 1 and 2 / writ petitioners have filed O.S.No.194 of 2023 before the District Munsif Court, Nanguneri, Tirunelveli District for the very same prayer in the writ petition and



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suppressing the said suit, they have approached this Court with unclean hands and obtained the order. Hence, the impugned order is liable to be set aside.

5. Learned Senior Counsel appearing for the respondents 1 and 2 / writ petitioners would contend that the Writ Court, finding that the agreement for sale entered into by the appellant as well as the 8th respondent herein with the vendor of the subject property, was an unregistered one, held that the objections raised by the appellant and 8th respondent herein, will not be an impediment for registration of the subject property in favour the writ petitioners, and accordingly allowed the writ petition directing registration of the document. Thus, he would state that the order of the Writ Court does not require interference.

6. Heard the learned counsel for the petitioner, learned Senior Counsel for the respondents 1 and 2 and the learned Government Advocate for the respondents 3 and 4. Though respondents 5 and 6

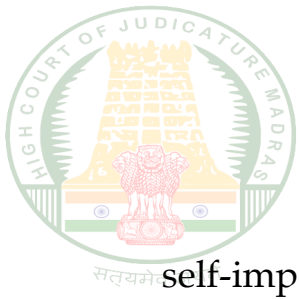


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have been served with notice, none appeared on their behalf. Notice sent to the 7th respondent is returned with an endorsement 'deceased' and service is awaited in respect of the 8th respondent.

7. Perusal of records shows that refusal check slip was issued on the objection of the appellant and 8th respondent who stake their case based on the agreement of sale entered into with the vendor of the subject property. However, the said agreement of sale is an unregistered one and therefore, it cannot have a bearing for refusal of registration. Further, the suit filed by the appellant as well as the 8th respondent in O.S.No.252 of 2023 is for recovery of money and it has nothing to do with the alleged agreement of sale. Though the writ petitioners have filed a suit for the very same prayer made in the writ petition, when the writ petitioners have made out a prima facie case for registration, we need not drive the parties to undergo the trauma of conducting a full-fledged trial, as it has been repeatedly pointed out by the constitutional courts that refusal to exercise jurisdiction under Article 226 when an effective alternative remedy is available, is only a



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self-imposed restriction and it is not an absolute bar. In cases, where the Court finds that it will be too inhuman to drive the parties to a regular civil litigation, this Court can step in under Article 226 at least to minimise the sufferings. Hence, we do not find any infirmity in the order passed by the Writ Court.

8. Accordingly, the Writ Appeal is dismissed. No costs.

Connected miscellaneous petitions are closed.

[J.N.B., J.] [S.S.Y., J.]
07.04.2025

Index : Yes / No
Neutral Citation : Yes / No
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To:

1. The District Registrar (Administration),
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Tirunelveli District.

2. The Sub-Registrar,
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JUDGMENT MADE IN
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