

W.P(MD)No.4751 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 21.02.2025

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Writ Petition(MD)No.4751 of 2025

1.Karthikeyan
2.Raja Amuthan

..Petitioners

Vs

The Joint Sub Registrar II,
Sivagangai,
Sivagangai District.

..Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned Refusal Check Slip No. RFL/2 Joint Sub Registrar Sivagangai/3/2025 dated 03.02.2025 of the respondent, quash the same and consequently to direct the respondent to register the petitioners' sale deed dated 03.02.2025 in connection with temporary No. TP/208536505/2025 filed before the respondent within a period of time stipulated by this Court.



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W.P(MD)No.4751 of 2025

For Petitioners : Ms.A.Harsha

For Respondent : Mr.R.Sureshkumar
Addl. Govt. Pleader

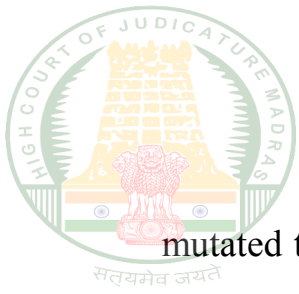
ORDER

The petitioners seek to quash the impugned Refusal Check Slip No. RFL/2, Joint Sub Registrar, Sivagangai/3/2025, dated 03.02.2025 on the file of the respondent, and to direct the respondent to register their sale deed, dated 03.02.2025, in connection with temporary No. TP/208536505/2025 filed before the respondent.

2.The petitioners claim that they purchased the properties from the four individuals, namely,

- (i)Annamalai,
- (ii)Panchacharam,
- (iii)Subbaiah and
- (iv)Velayutham.

The said property originally belonged to one Veerammal, wife of Ramasamy Naicker. She had sold it to one Velayutham Chettiar. Thereafter, the said Velayutham Chettiar bequeathed the property in favour of his son by way of a registered document in Doc.No.461/1961. The beneficiary, under the “WILL”



W.P(MD)No.4751 of 2025

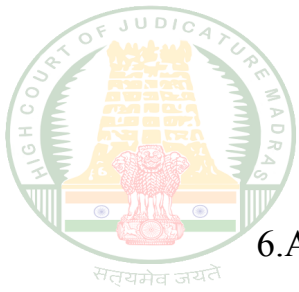
mutated the document in his favour and had been in possession and enjoyment

of the same.

3. One of the legal heirs, namely, Deivanai presented the suit in O.S.No. 40 of 2017 on the file of the District Court, Sivagangai and one Balachandran filed a suit in O.S.No.41 of 2017 in the very same Court. The suit in O.S.No.41 of 2017 initiated by the said Balachandran came to be dismissed on 25.04.2022. The suit in O.S.No.40 of 2017 filed by Deivanai is pending consideration. Pending the suit, the defendants therein alienated the property in favour of the writ petitioners. The respondent by the impugned order has refused to register the document on the ground that the civil suit is pending. Hence, the present writ petition.

4. I heard Ms.A.Harsha for the petitioners and Mr.R.Sureshkumar, learned Additional Government Pleader for the respondent.

5. Pendency of a civil suit is not a bar for alienation of the property. The grounds for refusal of a document are found under Section 22A and 22B of the Registration Act. Only on the specific grounds found therein, a Sub Registrar can refuse to receive the document for registration.



W.P(MD)No.4751 of 2025

6.As pointed out above, the ground that the suit is pending is not covered under either of the provisions. In any event, if the suit property is being sold pending the litigation, the alienation will be covered under Section 52 of the Transfer of Property Act. The Registrar need not take upon himself a duty, which will be appropriately addressed by the jurisdictional civil court. I am not able to sustain the impugned order. Hence, the writ petition is allowed, and the impugned Refusal Check Slip No. RFL/2 Joint Sub Registrar Sivagangai/3/2025 dated 03.02.2025 of the respondent is set aside. There shall be a direction to the respondent to register the document dated 03.02.2025 presented by the petitioners for registration. No costs.

21.02.2025

NCC : Yes/No
Index : Yes/No
Internet:Yes
skn

To

The Joint Sub Registrar II,
Sivagangai,
Sivagangai District.



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W.P(MD)No.4751 of 2025

V.LAKSHMINARAYANAN, J.

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