

W.P.(MD)No.6139 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.04.2025

CORAM

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

W.P.(MD) No.6139 of 2025

E.Sasikumar

... Petitioner

vs.

1.The Sub Registrar,
Office of the Sub Registrar,
Chathirapatti,
Oddanchathiram Taluk,
Dindigul District.

2.C.Loganatha Swamy

3.K.Ponnusamy

4.K.Manokaran

5.P.Govindarajan

6.S.Sulochana

7.S.Suresh

8.R.Ashakan

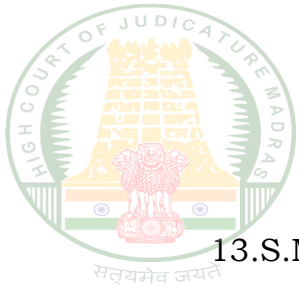
9.M.Palanisamy

10.M.Santhi

11.U.P.Senthilkumar

12.N.Chinnasamy

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13.S.Maheshkumar

WEB COPY 14.P.Maragatham

15.P.Sahana

16.P.Anirudh

17.P.Govindhammal

18.N.Chinnasamy

19.K.Ganapathy

20.T.Sakthivel

(R2 to R18 have been suo motu impleaded vide order dated 06.03.2025 and R19 and R20 have been impleaded vide order dated 01.04.2025)

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned Refusal No. RFL/Chathirapatti/5/2025 dated 02.01.2025 issued by the Respondent, quash the same and consequently direct the respondent herein to register the sale deed of the petitioner dated 02.01.2025 vide temporary Regn No.TP/206220338/2025, dated 09.01.2025.

For Petitioner :Mr.K.Muthu Ganesa Pandian

For R1 :Mr.N.Ramesh Arumugam
Additional Government Pleader

For R2 to R15 &
R17 : Mr.K.K.Mahes Raja

For R18 : Ms.B.Buvaneshwari



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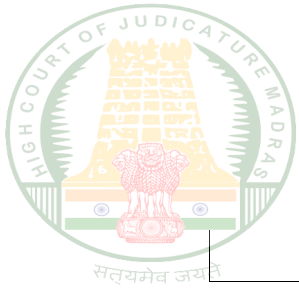
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ORDER

The writ petition has been filed to call for the records relating to the impugned Refusal No.RFL/Chathirapatti/5/2025 dated 02.01.2025 issued by the respondent, quash the same and to direct the respondent herein to register the sale deed of the petitioner dated 02.01.2025, vide temporary Regn No.TP/206220338/2025, dated 02.01.2025.

2.The petitioner claims that he has purchased 75% of the property from C.Loganathasamy and 15 others. They are the respondent Nos. 2 to 17. C.Loganathasamy and 15 others had obtained the following properties as undivided shares:-

S.No.	Survey No.	Extent	
		Hectare	Acre. Cents
1	262/1	1.21.5	3.00
2	262/2	1.21.5	3.00
3	262/3	1.21.5	3.00
4	262/4	2.02.0	5.00
5	262/5	2.02.0	5.00
6	262/6	2.02.0	5.00
7	262/7	0.91.0	2.25
8	262/8	2.02.5	5.00
9	262/9	1.21.5	3.00
10	262/10	2.02.5	5.00



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262/11

1.21.5

3.00

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3.10% of it belongs to one Chinnasamy, another 10% belongs to one Ganapathy and other 5% of it belongs to one T.Sakthivel. The petitioner seeks to purchase the remaining 75% of it excluding the aforesaid 25%. He presented a sale deed on 02.01.2025. The sale deed was refused to be received by the first respondent on the ground that a suit in O.S.No.241 of 2019 is pending. He further added that an interim order in I.A.No.21 of 2020 had been granted in that suit by the learned Additional District Judge, Palani. Challenging the same, the present writ petition.

4.When the matter came up for admission, I *suo motu* impleaded the respondents 2 to 18 as parties to this proceedings and notice was ordered to them.

5.Ms.B.Buvaneshwari has entered appearance for the 18th respondent. She has filed a typed set of papers enclosing the plaint in O.S.No.241 of 2019 and the interim order passed in I.A.No.21 of 2020 and I.A.No.243 of 2024 dated 18.10.2024. She pleads that there is an order of interim injunction restraining K.Ganapathy and T.Sakthivel



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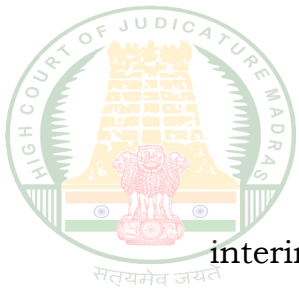
from alienating the property and therefore, the order passed by the first respondent is valid.

6.Mr.N.Ramesh Arumugam appearing for the first respondent states that as there is an interim order restraining alienation, the first respondent respecting the same has issued the refusal check slip.

7.I heard Mr.K.Muthu Ganesa Pandian for the petitioner, Mr.N.Ramesh Arumugam, for the first respondent, Mr.K.K.Mahesh Raja for the respondents 2 to 15 and 17 and Ms.B.Buvaneshwari for the 18th respondent.

8.It is not in dispute that the respondents 2 to 18 are the owners of the property. The suit in O.S.No.241 of 2019 is one filed for partition and separate possession. Pending the suit, the 18th respondent has obtained injunction against the respondents 19 and 20 alone. There is no order restraining the respondents 2 to 17 from alienating their shares.

9.The petitioner claims that he is purchasing the shares other than those belonging to respondents 18 to 20. When there is no



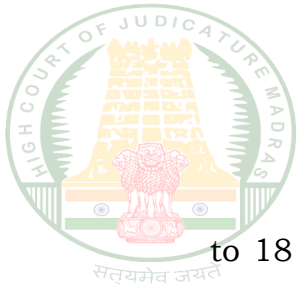
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interim order restraining alienation, the Sub Registrar fell in error in refusing to entertain the sale deed. In fact, the very same issue was the subject matter of discussion of a Division Bench of this Court in **N.Ramayee Vs. Sub Registrar, 2020 (6) CTC 697**. The Division Bench held as follows:-

“28.In the light of the above when we deal with the various provisions of the Transfer of Property Act the question arises as to whether the transfer is restricted to one time in respect of the immovable property, unless the previous transfer or any agreement is set aside in the court of law, and other transfer is permissible? The answer is absolutely "No" for the following reasons:

The property of any kind may be transferred, except as otherwise provided by the transfer of property Act or by any other law for the time being, as provided in Section 6 of the Transfer of property Act.”

10.As there is no order of injunction restraining alienation against the respondents 2 to 18, they are not prevented by the mere pendency of the suit from alienating their shares. Therefore, the impugned order is quashed. There shall be a direction to the first respondent to entertain the sale deed presented by the respondents 2



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to 18 in favour of the writ petitioner. The plea of Ms.B.Buvaneshwari that there is an order of injunction restraining the respondents 19 and 20 from alienating the property, and therefore, the others should not alienate the property does not hold water. It is always open to the 18th respondent to move an appropriate application for injunction against the respondents 2 to 18 from alienating their shares. It is for the learned Additional District Judge, Palni to consider the application on its merits.

11.The writ petition stands allowed, with the aforesaid directions. No costs.

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

01.04.2025

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To

The Sub Registrar,
Office of the Sub Registrar,
Chathirapatti,
Oddanchathiram Taluk,
Dindigul District.



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V. LAKSHMINARAYANAN, J.

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