



W.P(MD)No.10277 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.01.2025

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.10277 of 2024

Navbul Naveeth,
S/o.Syed Ibramsha,
T.S.No.1910/1912,
North Raja Street,
Pudukkottai Town & Taluk,
Pudukkottai District.
Representing through his Power Agent,
Abdul Hammed

... Petitioner

Vs

1.The Joint Sub-Registrar No.I,
Pudukkottai District.

2.Mohamed Anees

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records relating to the first respondent's proceedings in his Refusal RFL/1 dated 04.03.2024 and quash the same and consequently direct the first respondent to register the sale agreement dated 09.02.2024.

For Petitioner : Mr.R.Paranjothi
for M/s.KBS Law Office

For R – 1 : Mr.S.P.Maharajan
Special Government Pleader

For R – 2 : Mr.V.S.Badrinath



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ORDER

This Writ Petition has been filed by the petitioner challenging the refusal check slip issued by the first respondent dated 04.03.2024, thereby refusing to register the sale agreement dated 09.02.2024 on the ground that the second respondent objected the registration of sale agreement stating that he is also having share in the subject property.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The property comprised in new T.S.Nos.2196/1 and 2196/2 with superstructures situated at Pudukkottai Town and District originally belonged to the petitioner's father Syed Ibramsha. He had executed a settlement deed in respect of the said property in favour of the petitioner by the settlement deed, dated 19.09.2022. In turn, the petitioner executed an agreement for sale in favour of the third party on 09.02.2024 and presented the same for registration. On the objections raised by the second respondent,



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the first respondent refused to register the same on the ground that the second respondent is also having a share in the subject property.

4.The learned counsel appearing for the second respondent would submit that the second respondent filed a suit in O.S.No.79 of 2023 on the file of the Principal District Court, Pudukottai subjecting the subject property for partition and it is pending. Admittedly, no interim order has been obtained so far not to alienate the subject property. Insofar as the petitioner is concerned, he is claiming title over the property through the settlement deed executed by his father in his favour. His father derived title over the property by the Will executed by the petitioner's grandfather in favour of the petitioner's father.

5.In view of the above, mere pendency of the suit that too for partition and without any interim order is not an impediment for the first respondent to register the document. Accordingly, the impugned order passed by the first respondent dated 04.03.2024 is liable to be quashed and the same is quashed and the Writ Petition is allowed. The petitioner is directed to represent the sale



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agreement for registration and on receipt of the same, the first respondent is directed to register and release the same forthwith, if it is otherwise in order. There shall be no order as to costs.

09.01.2025

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

To

The Joint Sub-Registrar No.I,
Pudukkottai District.



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G.K.ILANTHIRAIYAN, J.

ps

Order made in
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