



W.P(MD)No.8977 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.04.2025

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THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Writ Petition(MD)No.8977 of 2025

Deepa

... Petitioner

Vs

The Sub-Registrar (In the Rank of District Registrar),
Office of the Sub Registrar,
Nagamalai Pudukkottai,
Madurai.

... 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 in RFL/ Nagamalai Pudukkottai /2/ 2025 dated 27.02.2025 on the file of the respondent herein and to quash the same as arbitrary and illegal and consequently to direct the respondent herein to register the settlement deed dated 26.02.2025 to be presented by the petitioner within a stipulated period of time to be fixed by this Court.

For Petitioner : Mr.M.Thirunavukkarasu

For Respondents : Mr.R.Suresh Kumar
Additional Government Prosecutor



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ORDER

The petitioner seeks to quash the impugned refusal check slip in RFL/ Nagamalai Pudukkottai /2/ 2025 dated 27.02.2025 on the file of the respondent and to direct the respondent herein to register the settlement deed dated 26.02.2025 to be presented by the petitioner within a stipulated time.

2. The petitioner states that the property measuring an extent of 65 cents comprised in S.No.58/1 situated in Melakuyilkudi Village, Madurai South Taluk, originally belonged to one Velayutham. The said Velayutham sold the property to one Sivaraj by way of a registered document in Doc. No.9327/2010. Sivaraj executed a deed of power of attorney in favour of one Pandi. This document too was registered as Doc. No.858/2011 dated 20.05.2011. The said Pandi formed a layout and divided the lands into several house site plots. Thereafter, he alienated the property in favour of one Suresh and his wife, Serafin Sagayamalar, on 12.08.2011.

3. The petitioner pleads that she purchased the property from Serafin Sagayamalar on 06.03.2020 in Doc. No.2107/2020. She mutated the revenue records and obtained patta for the said property



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in patta No.3642. She proposed to settle the property in favour of her husband, one Babu. She executed a settlement deed and presented the same for registration on 27.02.2025. The respondent refused to register the document and issued the impugned refusal check slip. The ground of rejection is that one Navamani and Uma Rameshwari had obtained a decree for permanent injunction against Pandi in O.S.No.114 of 2020. Challenging the said refusal check slip, this writ petition is filed.

4. I heard Mr.M.Thirunavukkarasu, for the petitioner, and Mr.R.Sureshkumar, learned Additional Government Pleader, for the respondent.

5. Mr.M.Thirunavukkarasu, after narrating the facts, pleads that the petitioner is the owner of the property, and she is entitled to settle the property in favour of anyone she likes. He points out the fact that there being a decree of the civil court does not prevent the petitioner from executing the document. He relied upon the judgment of this court in **Subramani vs. Sub Registrar, Rasipuram**, in **W.P.No. 11056 of 2024 dated 26.04.2024** to plead that, the fact that the suit is pending does not bar the Registrar from registering the document.



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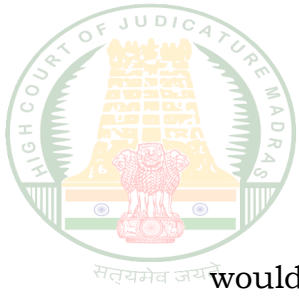
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6. Per contra, Mr.R.Sureshkumar urges that Uma Rameshwari and Navamani had presented a protest petition to the Sub Registrar. Hence, the Sub Registrar refused to register the document. He states that when there is a decree for injunction, the Sub Registrar cannot overwrite the same.

7. I have considered the submission of both sides.

8. The petitioner became the owner of the property by virtue of the sale deed executed by the previous owner, Serafin Sagayamalar, in the year 2020. She has been benefited with the patta by the Revenue Department. The decree was passed on 17.03.2021. The decree is for a bare injunction restraining the power of attorney of the previous owner, Sivaraj, from interfering with the peaceful possession and enjoyment of the scheduled mentioned property by Navamani and Uma Rameshwari. The decree for permanent injunction binds only the parties to the proceedings.

9. A reading of the decree at page No.53 makes it clear that it is only a suit for bare injunction. When a decree for bare injunction



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would not be binding on a non-party, it is surprising that the Registrar should understand the decree to cover even the registration of the settlement deed. Therefore, as rightly contended by Mr.M.Thirunavukkarasu, the issue has been answered by this court in **Subramani vs. Sub Registrar, Rasipuram** in **W.P.No.11056 of 2024 dated 26.04.2024.**

10. Therefore, the impugned refusal check slip in RFL/ Nagamalai Pudukkottai /2/ 2025 dated 27.02.2025 issued by the respondent is quashed. The writ petition is allowed. There shall be a direction to the respondent to register the settlement deed dated 26.02.2025 presented by the petitioner within a period of two weeks from the date of uploading of this order. No costs.

02.04.2025

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

To

The Sub-Registrar (In the Rank of District Registrar),
Office of the Sub Registrar,
Nagamalai Pudukkottai,
Madurai.



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V.LAKSHMINARAYANAN, J.

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