



W.A(MD)No.1041 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.04.2025

CORAM:

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

**W.A(MD)No.1041 of 2025
and
C.M.P(MD)No.6631 of 2025**

C.Muthumari

... Appellant/3rd Respondent

vs.

1.G.Sivamuthu
2.G.Uma
3.G.Anandhi

... Respondents 1 to 3/
Writ Petitioners

4.The District Registrar,
Virudhunagar,
Virudhunagar District.

5.The Sub Registrar,
Sub Registrar Office,
Sivakasi,
Virudhunagar District.

... Respondents 4 & 5/
Respondents 1 & 2

PRAYER : Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 12.03.2025 made in W.P(MD)No.4686 of 2025.

1/8



W.A(MD)No.1041 of 2025

WEB COPY

For Appellant : Mr.S.Ramsundarvijayraj

For RR 4 & 5 : Mr.R.Suresh Kumar
Additional Government Pleader

JUDGMENT

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

Challenging the order dated 12.03.2025 passed by the writ Court in W.P(MD)No.4686 of 2025, the third respondent in the Writ Petition has preferred the present Writ Appeal.

2. The respondents 1 to 3 herein are the writ petitioners who had filed the Writ Petition seeking for issuance of a writ of Mandamus, directing the fifth respondent herein to revoke the objection recorded in PP/28/2019, dated 12.12.2019.

3. The brief facts leading to the filing of the Writ Petition are as follows:

3.1.The properties situated in S.Nos.1545/1, 1545/2A, 1537/1B, 1537/2, 1538/4B, 1545/2A, 1544 and 1546 at Eanjar Village and S.Nos.38/1B,



W.A(MD)No.1041 of 2025

WEB COPY 37/15 and 35/3 of Anaiyur Village, Sivakasi Taluk, Virudhunagar District, originally belonged to one Ramanujammal. The said Ramanujammal is the mother of the Writ Petitioners as well the Appellant.

3.2. The appellant filed a suit for partition and separate possession in O.S.No.27 of 2014 on the file of the Principal District Court, Virudhunagar at Srivilliputhur. During the pendency of the suit, a compromise was entered into among the parties. In terms of the compromise, Ramanujammal executed a settlement deed in favour of the appellant and in turn, the appellant executed a relinquishment deed with respect to her share in the said properties.

3.3. Subsequently, the appellant submitted a petition before the fifth respondent stating that no document should be registered concerning the said properties, asserting a claim over them. When the writ petitioners attempted to register a mortgage document viz., a Memorandum of Deposit of Title Deeds with a Nationalized Bank, the fifth respondent refused to register the same, citing the appellant's objection.



W.A(MD)No.1041 of 2025

WEB COPY

4. The writ Court, after due consideration of the submissions and the materials on record, allowed the Writ Petition and directed the registering authority to accept and register the Memorandum of Deposit of Title Deeds (MODT) executed by the writ petitioners. It is further stated that in the event of the appellant succeeding in the civil proceedings, the Memorandum of Deposit of Title Deeds (MODT) shall not bind on her share. Aggrieved over the same, the appellant has preferred the present Writ Appeal.

5. Heard Mr.S.Ramsundarvijayraj, learned counsel appearing for the appellants and Mr.R.Suresh Kumar, learned Additional Government Pleader appearing for the respondents 4 and 5 and perused the materials available on record.

6. The facts reveal that the writ petitioners and the appellant are siblings and the property in question originally belonged to their mother, Ramanujammal. A compromise was entered into between the parties in O.S.No.27 of 2014 before the Principal District Court, Virudhunagar at Srivilliputhur, pursuant to which a settlement deed and a relinquishment deed



W.A(MD)No.1041 of 2025

WEB COPY

were executed among the parties. The appellant, however, raised an objection with the fifth respondent to prevent the registration of any document with respect to the said property, which led to the fifth respondent refusing to register a Memorandum of Deposit of Title Deeds (MODT) executed by the writ petitioners in favour of a Nationalized Bank. The writ Court observed that the mere pendency of a civil suit does not empower the registering authority to refuse registration of documents. The Section 52 of the Transfer of Property Act, 1882 (doctrine of lis pendens), does not bar alienation but only renders such alienation subject to the result of the pending litigation. Further held that the rights of the appellant would be protected in the event she succeeds in the suit, as the mortgagee would not have any enforceable claim over her share. The Registration Act does not confer power on the Registering Authority to act as a civil court or to restrain a co-sharer from registering a document.

7. This Court finds no infirmity in the reasoning or conclusion arrived at by the learned Single Judge. The writ petitioners have executed the Memorandum of Deposit of Title Deeds based on the settlement arrived at between the parties pursuant to the compromise in the civil suit. The legal



W.A(MD)No.1041 of 2025

WEB COPY

implications of any such transaction have been rightly left open to be adjudicated in the pending civil proceedings. The Registrar cannot assume the role of a civil Court by preemptively adjudicating on the title or validity of a document.

8. In view of the above, the Writ Appeal is devoid of merits and the same is dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

[J.N.B.,J.] & [S.S.Y.,J.]
23.04.2025

NCC : Yes / No
Index : Yes / No
ps



W.A(MD)No.1041 of 2025

WEB COPY

To

- 1.The District Registrar,
Virudhunagar,
Virudhunagar District.
- 2.The Sub Registrar,
Sub Registrar Office,
Sivakasi,
Virudhunagar District.



WEB COPY



W.A(MD)No.1041 of 2025

J.NISHA BANU, J.
and
S.SRIMATHY, J.

ps

ORDER MADE IN
W.A(MD)No.1041 of 2025

DATED : 23.04.2025