



W.P(MD)No.10512 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.10512 of 2024

Amalraj

... Petitioner

Vs.

1. The Sub Registrar,

Sanarpatti,
Dindigul District.

2. Velankanni

3. Vadivel

...Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records the 1st respondents impugned order passed in RFL/Sanarpatti/2/2024 and RFL/Sanarpatti/3/2024, dated 22.01.2024 and quash the same and consequentially direct the 1st respondent to register the Gift deeds as in the manner which is presented before him within a stipulated time

For Petitioner : Mr.B. Senthil Kumkar

For R1 : Mr.S. Kameswaran
Government Advocate



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ORDER

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The present Writ Petition has been filed for the issuance of a Writ of Certiorarified Mandamus, to quash the records the 1st respondents impugned order passed in RFL/Sanarpatti/2/2024 and RFL/Sanarpatti/3/2024, dated 22.01.2024 and consequentially direct the 1st respondent to register the Gift deeds as in the manner which is presented before him.

2. The petitioner had purchased the property in S.F.No.297/6B1 to an extent of 71 cents and S.F.No.297/6B4 to an extent of 68 cents totally 1 Acre 39 cents comprised in patta No.576 through sale deed dated 05.04.2011 in Doc.No. 995/2011 which was executed by A.Antony Sahaya Mary and I.Arulananthu. Prior to the purchase, the property were gifted to the petitioner's vendor by their mother namely Kulanthai Therasu, by virtue of gift deed in the year 2007 in Doc.No.1725 of 2007. After the purchase of the said property by the petitioner the second respondent's father namely Sesu has filed a suit in O.S.No.229 of 2008 on the file of Additional District Munsif, Dindigul for declaration and permanent Injunction and the same was dismissed vide judgement and decree dated 19.08.2019. While pending the earlier suit, the third respondent filed another suit in O.S.No.675/2013 on the file of Principal District Munsif, Dindigul for permanent injunction against the petitioner's vendors without impleading the petitioner as party and the same was dismissed for default on 16.04.2018. In such



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circumstances, the petitioner decided to gift the property to his daughter Jacqueline Mary and executed gift deed 19.01.2024 and the same was presented for registration. But, the respondent refused to register the same by issuing impugned refusal slip by stating that an appeal suit in A.S.No.25 of 2020 on the file of Sub Court, Dindigul is pending.

3. It is settled preposition of law that the pendency of suit or pendency of litigation cannot be cited as reason to refuse the registration. If any body purchasing the land pending litigation the same would be covered under the principles of Lis pendens. Therefore, the private respondents are protected by the said principles. The respondent cannot refused to register the gift deed.

4. With the above said observations, the impugned refusal slip dated 22.01.2024 is hereby quashed. The first respondent is hereby directed to register the gift deed within a period of four weeks from the date of receipt of a copy of this order.



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5. With the above observations, this Writ Petition allowed. There shall be no order as to costs.

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08.08.2025

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

gvn

To

1. The Sub Registrar,
Sanarpatti,
Dindigul District.



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S.SRIMATHY, J.

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**ORDER MADE IN
W.P(MD)No.10512 of 2024**

DATED : 08.08.2025