



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.07.2025

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CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)Nos.16504 and 16505 of 2025

Jeyakumari

... Petitioner
in both the Wps.

VS.

State of Tamilnadu Represented by its
1. The Joint-I Sub Registrar,
District Registrar Office,
Kumbakonam,
Thanjavur District.

2. U.B.Shanmugam

... Respondents in
both the WPs.

COMMON PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a ***Writ of Certiorarified Mandamus***, calling for the records pertaining to the impugned Refusal Check Slip in RFL/1 No. Joint Sub-Registrar, Kumbakonam/72, 73/2025 dated 24.05.2025 passed by the 1st respondent and quash the same as illegal and consequently directing the 1st respondent to register the Sale Deed presented by the petitioner with respect to RS No.358/3A situated in Koranaatu Karuppur Village, Kumbakonam Taluk, Thanjavur District.



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For Petitioner : Mr.S.Sankar
For R1 : Mr.G.Suriya Ananth
Additional Government Pleader
For R2 : Mr.H.Arumugam

COMMON ORDER

Since the issue involved in both Writ petitions are one and the same the following common order is passed.

2. Both the Writ Petitions are filed for issuance of a ***Writ of Certiorarified Mandamus***, to quash the impugned Refusal Check Slip dated 24.05.2025 passed by the 1st respondent and consequently direct the 1st respondent to register the Sale Deed presented by the petitioner.

3. The contention of the petitioner is that he purchased the property from one Navaneetham. The petitioner now intends to sell the property to a third party, and the sale document has been presented for registration. However, the same has been refused through the impugned order. In the impugned order, the first respondent has stated that an appeal in C.S. No. 879 of 2005 is pending against the judgment in O.S. No. 9 of 2025. However, the said appeal was dismissed against the objectors. Therefore, there is no impediment to the petitioner to sell the property.



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4. However, the learned counsel appearing for the second respondent vehemently submitted that there is an injunction against the petitioner from selling the property, which was originally granted against the petitioner's vendor. In support of this, he relied on the judgment passed in O.S. No. 523 of 2005 on the file of the Principal District Munsif Court, Kumbakonam. On perusal of the same, it is seen that the prayer in the said suit was only for an injunction to restrain disturbance of possession, and not for a declaration of title. Therefore, the second respondent cannot object to the registration of the property based on the said suit. Moreover, the suit was filed against the petitioner's vendor, namely Navaneetham. Since Navaneetham has passed away, the injunction granted against him has lapsed. Further, the said Navaneetham has already sold the property to the petitioner, and hence, the injunction is not binding on the petitioner. There is no injunction in O.S. No. 9 of 2025 restraining the petitioner from selling the property. Furthermore, the said suit was filed only for specific performance.

5. In light of the facts stated above, the impugned order cannot be sustained. The petitioner has the right to sell the property. It is clarified that the above observations are made solely for the purpose of deciding the present writ petition, and the suit may be decided independently, uninfluenced by any of the observations made herein. The suit in O.S. No. 117 of 2008 on the file of the



I Additional District Munsif Court, Kumbakonam, was dismissed on 28.07.2016.

An appeal in A.S. No. 38 of 2016 was preferred against the said dismissal, and the same was also dismissed. As on date, there is no order restraining the registration of the property.

6. For the reasons stated supra, the impugned Refusal Check Slip dated 24.05.2025 passed by the 1st respondent is hereby quashed. The 1st respondent is directed to register the Sale Deed, within a period of four weeks from the date of receipt of a copy of the order.

7. With the above observations, these writ petitions are disposed of.
There shall be no order as to costs.

22.07.2025

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

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To

The Joint-I Sub Registrar,
District Registrar Office,
Kumbakonam,
Thanjavur District.



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S.SRIMATHY, J.

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**COMMON ORDER MADE IN
W.P(MD)Nos.16504 &
16505 of 2025**

DATED : 22.05.2025