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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.07.2025

CORAM:

THE HONOURABLE MRS JUSTICE S.SRIMATHY

W.P.(MD) No.20487 of 2025

IN

WMP (MD) No.15868 of 2025

S.Athimoolam

... Petitioner

Vs

1.The Sub Registrar
Office of Sub Registrar Sethur,
Virudhunagar District.

2.Ganapathiappan

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned Refusal Check Slip vide RFL/Sethur/53/2025 dated 12.05.2025 refusing to register the sale deed dated 12.05.2025 quash the same and consequently direct the first respondent herein to register the sale deed dated 12.05.2025 in favour of the petitioner for the property situated in TS No.141/5A2A3 in Jaminkolankondan Village, Virudhunagar District.



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For Petitioner : Mr.K.Muthu Ganesa Pandian
For Respondents : Mr.D.Sasi Kumar, (for R1),
Additional Government Pleader.

ORDER

The present writ petition is filed to quash impugned Refusal Check Slip vide RFL/Sethur/53/2025 dated 12.05.2025 refusing to register the sale deed dated 12.05.2025 and consequently to direct the respondent herein to register the sale deed dated 12.05.2025 in favour of the petitioner for the property situated in TS No.141/5A2A3 in Jaminkolankondan Village, Virudhunagar District.

2.The respondent, through the impugned order has refused to register the sale deed stating that a suit is pending in O.S.No.24 of 2025, on the file of the District Munsif Court, Rajapalayam, in which, the Sub Registrar is also one of the party. The said suit is filed seeking permanent injunction restraining the petitioner from selling the property. Admittedly, there is no injunction or any interim order restraining the petitioner from selling the property.



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3.The learned counsel appearing for the petitioner submitted it is a self acquired property and the petitioner is having every right to deal with the property. The suit is filed by the petitioner's son, who is not having any right in the property, since it is the self acquired property.

4.Considering the above facts and circumstances of the case, this Court is of the considered opinion that when there is no interim order restraining the Sub registrar from registering the sale deed, the respondent cannot refuse to register it. Even though the suit is pending in O.S.No.24 of 2025, on the file of the District Munsif Court, Rajapalayam, the registration cannot be a bar. The principle of *lis pendens* may be applicable to the present case, and such a defence is available to the petitioner's son. However, the same cannot be a ground to restrain the respondent from registering the property. Hence, the impugned order is liable to be quashed.

5.Accordingly, this writ petition stands allowed. The impugned Refusal Check Slip vide RFL/Sethur/53/2025 dated 12.05.2025 passed



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by the first respondent refusing to register the sale deed dated 12.05.2025, is hereby quashed. The first respondent is directed to register the sale deed dated 12.05.2025 in favour of the petitioner situated in TS No.141/5A2A3 in Jaminkolankondan Village, Virudhunagar District. The said exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order. However, it is made clear that the Trial Court shall consider the suit independently uninfluenced by the observation made in this order. No Costs. Consequently, the connected writ miscellaneous petition is closed.

28.07.2025

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

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- To
1. The Sub Registrar
Office of Sub Registrar Sethur,
Virudhunagar District.



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S.SRIMATHY, J

vsg

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