



C.M.P.(MD) No.17696 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.12.2025

CORAM:

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
and
THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN**

**C.M.P.(MD) No.17696 of 2025
in W.A.(MD) SR No.72811 of 2025**

S.Amalraj

... Petitioner

-VS-

1.C.Sivakumar

2.The Sub-Registrar,
O/o the Sub Registrar Melur West,
Melur, Madurai District.

... Respondents

PRAYER: Petition filed under Section 151 of the Code of Civil Procedure to grant leave to file appeal against the order dated 04.08.2025 passed in W.P.(MD) No.18722 of 2025.

For Petitioner : Mr.G.Karthikeyan,
Senior Counsel for Mr.P.Subbiah

For Respondents : Mr.R.Suriya Narayanan for R1
Mr.S.P.Maharajan,
Special Government Pleader for R2



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ORDER

[Order of the Court was made by DR.G.JAYACHANDRAN, J.]

Behind the back of the alleged owner, the Writ Petition filed to register a document. The learner Single Judge allowed it. Claiming title over the property, the present application is filed to grant leave for preferring appeal, against the order passed by the learned Single Judge.

2. On notice, the caveator appeared before this Court and filed affidavit stating that he is not aware of the earlier proceedings between his vendor and the present petitioner and it is incorrect to say that the order in the Writ petition was obtained behind his back. Further, he stated that pursuant to the direction of the learned Single Judge, the instrument had already been registered as Document No.3634/2025, before the Sub Registrar Office, Melur and therefore nothing survives.

3. The learned Single Judge, despite intervention by the other title holder and the dismissal of the injunction suit, wherein the trial Court has



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WEB C incidentally gone into title over the property and held against the vendor of the Writ Petitioner, had directed the Sub Registrar to register a document presented by a person, who is apparently not the owner of the property. Therefore, this Court is of the view that the application to grant leave for preferring appeal against the order passed by the learned Single Judge is to be allowed. Accordingly, this application is allowed.

4. Registry is directed to number the Writ Appeal and list the matter for admission. There shall be *status quo* of the issue and the first respondent/Writ Petitioner shall not create any encumbrance over the property taking advantage of the registration of the sale deed, till the disposal of the Writ appeal.

[G.J., J.] [K.K.R.K., J.]

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

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K.K.RAMAKRISHNAN, J.

vsm

To:

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O/o the Sub Registrar Melur West,
Melur, Madurai District.

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