

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.06.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.22619 of 2016

M.Meena

..

Petitioner

Vs.

1.The District Registrar,  
Registration Department,  
Tindivanam.

2.The Joint Sub Registrar No.2,  
Tindivanam.

..

Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 2<sup>nd</sup> respondent to receive and register the sale deed dated 12.05.2016 presented by the petitioner in accordance with the orders passed by this Court in W.P.No.5844/2016 dated 14.03.2016.

For Petitioner : Mr.N.Suresh

For Respondents : Mr.R.Vijayakumar

Additional Government Pleader

ORDER

By consent, the writ petition is taken up for final disposal.

2 The petitioner on an earlier occasion, had approached this Court by filing WP.No.5844/2016 praying for quashment of the proceedings of the 2<sup>nd</sup> respondent dated 29.01.2016 with regard to the refusal to register the sale Deed dated 23.10.2015, presented on 11.01.2016 and for a further direction, directing the 1<sup>st</sup> respondent to register the document in terms of the provisions of the Indian Registration Act and deliver the registered document to the petitioner in respect of Old Survey No.97/11 new Survey No.118/4A1 admeasuring to an extent of 21 ½ cents at Ongur Village, Tindivanam District and the writ petition was disposed of with a direction, permitting the petitioner to present the document to the 2<sup>nd</sup> respondent for

registration within the stipulated time frame, with a further direction to the 2<sup>nd</sup> respondent to conduct an enquiry after affording an opportunity of personal hearing to the petitioner and pass appropriate orders in accordance with law. In the interregnum, four months time granted for presenting the document, got expired and therefore, the petitioner has executed a fresh Sale Deed dated 12.05.2016 and it was refused to be registered by the 2<sup>nd</sup> respondent citing that in the Encumbrance, the name of some other person is found and therefore, asked the petitioner to rectify the same and present the same for registration, vide Check Slip dated 12.05.2016.

3 The learned counsel for the petitioner has drawn the attention of this Court to the earlier Sale Deed dated 23.10.2015 as well as the present Sale Deed dated 12.05.2016 and would submit that the parties to the documents are one and the same and even the Encumbrance Certificate discloses no encumbrance and therefore, there cannot be any impediment on the part of the 2<sup>nd</sup> respondent to register the Sale Deed in accordance with law and return the same and prays for appropriate orders.

4 Per contra, Mr.R.Vijayakumar, learned Additional Government Pleader who accepts notice on behalf of the respondents would submit that since there is an entry in the Encumbrance relating to the very same property, the petitioner was directed to rectify the same and present the said deed for registration and therefore, the said approach cannot be faulted with.

5 This Court has considered the rival submissions and also perused the materials placed before it.

6 A perusal of the Sale Deed dated 23.10.2015 as well as the Sale Deed dated 12.05.2016 to be registered along with the Encumbrance Certificate No.877 dated 19.05.2016, would disclose that prima facie no encumbrance find place and the parties to both the documents are one and the same and so also the property. In the light of the same, there cannot any impediment on the part of the 2<sup>nd</sup> respondent to receive and register the Sale Deed.

7 In the result, the writ petition is disposed of and the petitioner is permitted to represent the Sale Deed dated 12.05.2016 within a period of one week from the date of receipt of a copy of this order and the 2<sup>nd</sup> respondent, on receipt of the same, is directed to consider the request of the petitioner for registration of the said document in accordance with law under the provisions of the Indian Registration Act, 1908 and pass appropriate orders in accordance with law within a further period of two weeks thereafter and communicate the decision

taken, to the petitioner.

8 The writ petition is disposed of with the above direction. No costs.

-s/d-  
Asssitant Registrar

True Copy

Sub-Assistant Registrar

AP

To

1.The District Registrar,  
Registration Department,  
Tindivanam.

2.The Joint Sub Registrar No.2,  
Tindivanam.

+1 cc to M/s.N.Suresh Advocate sr.36811  
+1 cc to the government Pleader sr.37508

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aa18/07/2016

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