

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.08.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.30257/2016 and WMP.No.26245/2016

C.V.Mohan Prabhu

..

Petitioner

Vs.

The Sub Registrar,
Mettupalayam, Coimbatore District.

...

Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the respondent to register the sale deed dated 30.09.2015 in pending Document in P.No.36 of 2015 on the file of the respondent and consequently further directing the respondent to return sale Deed dated 30.09.2015 to the petitioner after registering the same.

For Petitioner : Mr.A.Kalaivanan

For Respondent : Mr.S.V.Durai Solaimalai, AGP

ORDER

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

2 The petitioner would state that he presented a sale deed for registration pertains to 2 cents and 321 sq.ft. of the landed property comprised in S.F.No.209/2 situated Jadayampalayam and 6 acres and 41 cents comprised in S.F.Nos.393/1 and 364/1 situated Vilangurichi Village and despite the compliance of all the procedural formalities, the document is kept as pending document P.No.36/2015. In this regard, the petitioner has submitted representations dated 02.08.2016 and 27.08.2016 respectively for registration of the said document and to return the same forthwith. However, the respondent, vide communication dated 30.08.2016, has stated that he was informed by the Sub Registrar, Ganapathy, vide his letter dated 18.11.2015 that the case in OS.No.1003/2014 and IA.No.1207/2014 have been filed against him directing him to delete the entries regarding the suit property and it is pending

on the file of the Court of Principal District Munsif, Coimbatore and in the light of the same, the document is not registered.

3 Mr.A.Kalaivanan, learned counsel appearing for the petitioner has drawn the attention of this Court, to the affidavit, typed set of documents, additional affidavit and the additional typed set of papers and would submit that the suit in OS.No.1003/2014 was filed by N.Veerammal and five others against the Sub Registrar, Ganapathy, praying for mandatory injunction for deletion of certain entries and also for permanent injunction restraining the defendants therein from registering any document based on the invalid Release Deed dated 20.09.2011 as well as the agreement of Sale dated 25.10.2012 and though an application for ad-interim injunction was filed, no interim orders have been passed and would further state that one A.Pankajam had filed Tr.CMP.No.471/2015 on the file of this Court, to transfer the said suit to the file of the Additional District Munsif, to be tried along with OS.No.2688/2013 in which the petitioner is also a party and pending disposal of the same, prayed for stay and this Court, vide order dated 15.07.2015 had granted stay of all further proceedings in OS.No.1003/2014 and in the light of the same, there cannot be any impediment on the part of the respondent to register the documents and hence, prays for appropriate orders.

4 Per contra, Mr.S.V.Durai Solaimalai, learned Additional Government Pleader who accepts notice on behalf of the respondent would submit that in the light of the pendency of the suit in which the respondent is also arrayed as the defendant, the document could not be registered.

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

6 Though the petitioner has prayed for a larger relief, this Court, in the light of the facts and circumstances and without going into the merits of the same, directs the respondent to consider and dispose of the petitioner's representations dated 02.08.2016 and 27.08.2016 respectively in accordance with law and pass orders within a period of two weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

7 The writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

AP

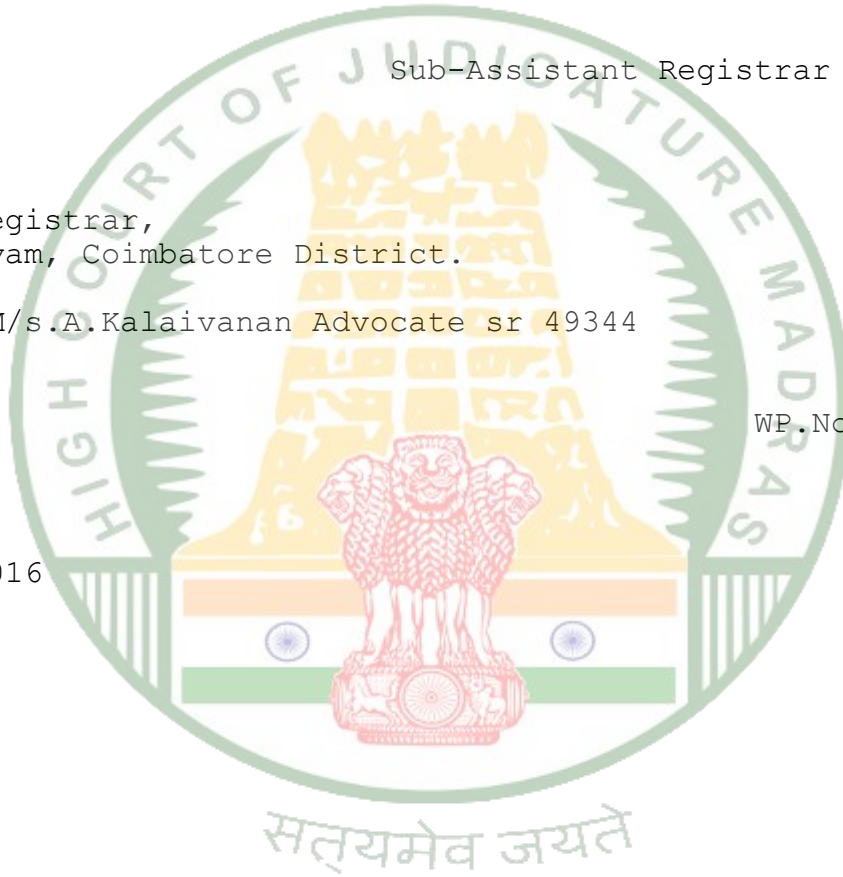
To

The Sub Registrar,
Mettupalayam, Coimbatore District.

+1 cc to M/s.A.Kalaivanan Advocate sr 49344

WP.No.30257/2016

aa02/09/2016



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