

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.10.2016

CORAM:

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

W.P.No.36611/2016

Sridevi

.. Petitioner

Vs.

1. The Inspector of General of Registration,
N.100, Santhome High Road,
Chennai - 600 028.

2. The Sub Registrar,
Sathiyamangalam,
Erode District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified mandamus to call for the records relating to the check slip dated 08.09.2016 issued by the second respondent and quash the same and consequently direct the second respondent to register the sale deed dated 08.09.2016 executed by the petitioner in favour of Naduaiyasamy without insisting the original sale deed document No.2499/1994.

For Petitioner : Mr.K.C.Karl Marx

For Respondents : Mr.Digvijayapandian,
Additional Government Pleader

ORDER

Heard the learned counsel for the petitioner and Mr.Digvijayapandian, learned Additional Government Pleader who accepts notice on behalf of the respondents and with the consent on either side, the writ petition is taken up for final disposal.

2. The case of the petitioner is that the petitioner is the absolute owner of the agricultural land situated in Survey No.93/10, Singiripalayam Village, Gobichettipalayam

Taluk. On 13.01.1997, the petitioner entered into a sale agreement with one Murugesan which was registered as document No.41 of 1997. At the time of registering the sale agreement, the parent documents have been handed over to the intending purchaser, but the sale agreement was not proceeded with and the sale deed was not executed. Subsequently, the intending purchaser filed a civil suit for specific performance in O.S.No.120 of 1991 before the Additional Sub Court, Gobicheetypalayam and the said suit was dismissed for default on 24.12.2003 and the said suit was not restored thereafter. Even otherwise, the sale agreement dated 13.01.1997 has now become time barred. While so, the petitioner now intend to sell the property to one Naduaiyasamy and presented a sale deed for registration on 08.09.2016. But the Sub Registrar has returned the document and issued a check slip dated 08.09.2016 stating that the sale deed was not accompanied with original parent document. Even though the petitioner has submitted in the sale deed itself that the original parent document has been handed over to the earlier purchaser and he has submitted the certified copy of the parent document and patta in the name of the petitioner and also given an undertaking to that effect, the second respondent has refused to register the document and issued the check slip, refusing to register the sale deed. Hence, the petitioner has come forward with the present Writ Petition.

3. According to the petitioner, the original parent document is in the custody of the earlier agreement holder and he has produced a certified copy of the said document at the time of registration of the sale deed. The suit filed by the earlier purchaser for specific performance has been dismissed for default and the said suit has not been restored till date and it has become final. The petitioner has also produced the encumbrance certificate which clearly shows that there is no encumbrance in the property till date. In such view of the matter, the impugned order is liable to be set aside.

4. Accordingly, this Writ Petition is allowed and impugned order of the second respondent dated 08.09.2016 is set aside and the second respondent is directed to consider the registration of the sale deed in accordance with law, if it is otherwise in order. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

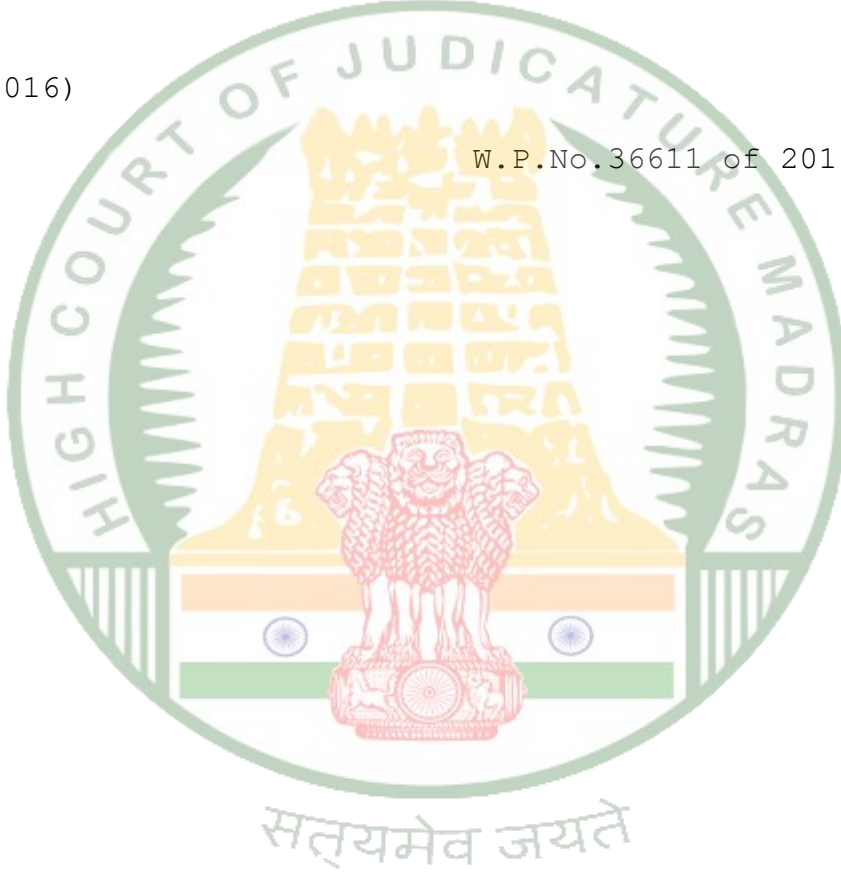
1. The Inspector of General of Registration,
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2. The Sub Registrar,
Sathiyamangalam,
Erode District.

+1cc to Mr.K.C. Karl Marx, Advocate, S.R.No.60816
+1cc to the Government Pleader, S.R.No.61601

MP1 (CO)
md(18/11/2016)

W.P.No.36611 of 2016



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