



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 11.07.2016

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P (MD) No.4897 OF 2014

Benial Gnanadurai
Thro'his Power Agent,
G.Vincent Theogarraj @ G.V.Thiagar

..Petitioner

.vs.

1.The Sub-Registrar,
Murappanadu,
Tuticorin District.

2.The District Registrar,
Tuticorin District,
Tuticorin.

3.The Assistant Executive Engineer,
Distribution, TANGEDCO,
Srivaikundam, Tuticorin.

..Respondents

(R3 impleaded vide order in WMP(MD)No.5048 of 2016
dated 11.07.2016)

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to receive and register the sale deeds from the petitioner in respect of the lands in Survey No.439 in Vasavappapuram Village, Murappanadu Sub-Registration District belonging to him within the period that may be stipulated by this Court.

For Petitioner :Mr.S.Antony S.Prabahar

For Respondents :Mr.S.Satheesh Kumar

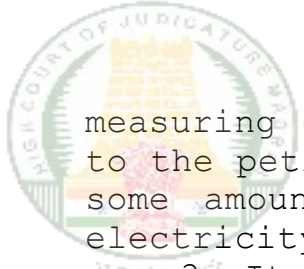
Addl.Govt.Pleader for R1 & R2.

:Mr.A.U.Ramanathan for R3

ORDER

The petitioner has filed this Writ Petition for a Writ of Mandamus to direct the respondents to receive and register the sale deeds from the petitioner in respect of the lands in Survey No.439 in Vasavappapuram Village, Murappanadu Sub-Registration District belonging to him.

2. The case of the petitioner is that the land measuring to an extent of 2 Acres out of 4 Acres 85 cents, on the eastern portion on the south in Survey No.439 in Vasavappapuram Village, Murappanadu Sub-Registration District belongs to the petitioner by virtue of sale deed, dated 21.02.2000 and that the land



measuring one Acre on the north in the said Survey No.439 belongs to the petitioner's father. It is admitted by the petitioner that some amount is due to the third respondent towards arrears of electricity charges.

3. It appears that the petitioner's father, who obtained power of attorney from the petitioner, in respect of the property of the petitioner, has approached the first respondent regarding the registration of sale deed in respect of the property of the petitioner and his brother. The first respondent, namely, Sub-Registrar, Murappanadu, Tuticorin District, refused to register the sale deed, on the ground that he has received an objection letter, dated 06.08.2013, from the third respondent.

4. According to the petitioner, the third respondent has no right to raise any objection to the sale deed. Similarly, it is also the case of the petitioner that the Sub-Registrar cannot consider the objections raised by the third respondent as the provisions of the Registration Act and Rules thereunder, do not contemplate any enquiry into the objections raised by the creditor or any other third party who may have right to proceed against the properties. Hence, the petitioner is before this Court.

5. The learned Counsel appearing for the petitioner submits that the petitioner is having only an extent of 1.5 acres of land. He further submits that the proposed sale is only in respect of extent of 3.0 Acres which belongs to the petitioner's brother and that the petitioner is prepared to give an undertaking that he will not sell his property, namely, to an extent of 1.5 Acres which lies adjacent to the property of his brother.

6. Heard the learned Counsel appearing for the petitioner and the learned Counsel appearing for the respective respondents.

7. The submission of the learned Counsel for the petitioner is recorded. The learned Counsel appearing for the third respondent has no objection for passing an order directing the second respondent to register the document after recording the undertaking given by the petitioner. Hence, this Court is inclined to pass the following order:

The petitioner is directed to file an affidavit of undertaking that he will not deal with the property that belongs to him in Survey No.439 .439 in Vasavappapuram Village, Murappanadu Sub-Registration District, Tuticorin District, till such time, he discharges his liabilities towards the electricity dues of the third respondent. Such affidavit of undertaking shall be submitted before the second respondent with a copy marked to the third respondent. Upon such affidavit of undertaking being filed before the second respondent, the second respondent shall receive and register the sale deed from the petitioner in respect of the

<https://hccivilscourts.gov.in/Buseservices/> No..439 in Vasavappapuram Village, Murappanadu Sub-Registration District, Tuticorin District, within a period of two weeks thereafter.



8. With the above directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

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Sub Assistant Registrar(CS)
Madurai Bench of Madras High Court,
Madurai-23.

To

1.The Sub-Registrar,
Murappanadu,
Tuticorin District.

2.The District Registrar,
Tuticorin District,
Tuticorin.

3.The Assistant Executive Engineer,
Distribution, TANGEDCO,
Srivaikundam, Tuticorin.

+1cc to M/s.Chamundi Bose, Advocate in SR.35955

+1cc to the Special Government Pleader, in SR.35798

W.P(MD) No.4897 OF 2014
11.07.2016

gsr

PBK/NGM-MP/SAR-II 22/07/2016 ::3P-6C::