



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.09.2016

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

WEB COPY

Writ Petition (MD) No.9735 of 2016andW.M.P (MD) No.7725 of 2016

R.Manoharan

... Petitioner

Vs.

1.The District Registrar (Administration)
Registration Department,
Dindigul.

2.The Joint Sub Registrar No.2,
Registration Department,
Dindigul.

3.V.Subramani

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the 1st and 2nd respondents to register and deliver the sale deed presented by the petitioner on 29.01.2015 which is pending as Pending Document No.19/2015 on the file of the 2nd respondent within a time limit to be fixed by this Court.

For Petitioner	:	Mr.A.Thirumurthy, M/s.Victory Associates
For Respondents 1&2	:	Mr.K.P.Krishnadoss, Government Advocate.
For 3 rd Respondent	:	Mr.B.Jameel Arasu

ORDER

This writ petition has been filed seeking for the issuance of writ of mandamus, to direct the respondents 1 and 2 to register and deliver the sale deed presented by the petitioner on 29.01.2015 which is pending as Document No.19/2015 on the file of the second respondent.

2.According to the petitioner, the petitioner has purchased 3.00 acres of land from the third respondent and he has also paid sale consideration and based on that, the third respondent has executed the sale deed. It is stated that when the document was presented for registration before the registering authority, the second respondent herein refused to endorse the



document. Thereafter, the petitioner has also requested the third respondent to register the document as per Section 58 of the Registration Act, 1908. But the Sub Registrar refused to register the same and returned the document with an endorsement stating that the executant is not willing to execute the document. Against the said order, the petitioner filed an appeal before the District Registrar on 04.04.2016 which is still pending.

3.Learned counsel appearing for the petitioner would submit that the third respondent received entire sale consideration and executed a document and thereafter, he refused to come forward to register it.

4.Learned counsel appearing for the third respondent submitted that he has not executed any document and he did not receive any sale consideration. Subsequently, he has also filed a suit in O.S.No.226 of 2016, on the file of the District Munsif Court, Dindigul which is pending.

5.Considering the above facts and circumstances and without going into the merits of the case, the first respondent is directed to consider the appeal filed by the petitioner on 04.04.2016 and pass appropriate orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order, after giving opportunity to the petitioner and the third respondent.

6.With the above direction, the writ petition is disposed of. No costs. Consequently, W.M.P(MD)No.7725 of 2016 is closed.

Sd/-

Assistant Registrar(RTI)

/True copy/

Sub Assistant Registrar

To

1.The District Registrar (Administration)
Registration Department, Dindigul.

2.The Joint Sub Registrar No.2,Registration Department, Dindigul.

+1 cc to M/s.A.Thirumurthy, Advocate in SR.No.54889

+1 cc to B.Jameel Arasu, Advocate in SR.No.55099

sms

CSL/AAL-MPA/SAR-I/26.09.2016: 2P/5C

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