



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.11.2016

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition (MD) No.3184 of 2013

V.Pugalenth

... Petitioner

Vs.

1.The District Registrar,
District Registration Office,
Karaikudi, Sivagangai District.

2.The Sub Registrar,
Registration Office,
Devakottai,
Sivagangai District.

3.Muru.Periyannan
(R-3 impleaded as per order
dated 07.11.2016 made in
M.P(MD)No.1 of 2013)

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to register the sale deed presented by the petitioner on 04.12.2012 before the second respondent for registration and release the said deed document within the time fixed by this Court.

For Petitioner	: Mr.Al.Kannan
For Respondents 1&2	: Mr.J.Gunaseelan Muthiah, Government Advocate.
For 3 rd Respondent	: Mr.AN.Ramanathan

ORDER

The petitioner has come up with the above writ petition seeking for the issuance of a writ of mandamus to direct the respondents to register the sale deed presented by the petitioner on 04.12.2012 before the second respondent for registration and release the said deed document within the time frame fixed by this Court.

2.Heard Mr.Al.Kannan, learned counsel appearing for the petitioner and Mr.J.Gunaseelanmuthiah, learned Government Advocate appearing for the respondents 1 and 2 and Mr.AN.Ramanathan, learned counsel appearing for the third respondent.



3. According to the petitioner, originally, an extent of 2 acres 26 cents belonged to one Muru. Subbiah and the patta stands in the name of Subbiah, son of Shanmugam. It is stated that the petitioner purchased the property from the legal heirs of Subbiah through a sale deed dated 04.12.2012 which was presented before the second respondent for registration. It is further stated that in the meanwhile, one Muru. Periyannan namely, the third respondent herein had purchased some property pertaining to the same sale deed and presented the same before the second respondent for registration on 05.12.2012. But the second respondent without registering document kept it pending. Therefore, the third respondent filed W.P(MD)No.771 of 2013 and this Court by an order dated 13.02.2013 disposed of the writ petition with a direction to the second respondent to pass appropriate orders with respect to the document presented by him for registration on 05.12.2012 within six weeks from the date of receipt of a copy of the order.

4. It is further stated that the document presented by the petitioner is pending as on date before the second respondent and therefore, the petitioner filed this writ petition seeking for the relief stated supra.

5. Learned Government Advocate appearing for the respondents 1 and 2 submitted that the documents produced by the third respondent was registered and was also released on 19.03.2013.

6. In the above circumstances, the relief sought for by the petitioner cannot be granted since for the very same property, documents were registered and released by the second respondent. However, it is always open to the petitioner to challenge the registration of the documents made in favour of the third respondent in the manner known to law, if he is so advised.

7. Accordingly, the writ petition is dismissed. No costs.

Sd/-

Assistant Registrar(Writs)

/True copy/

Sub Assistant Registrar

To

1. The District Registrar,
District Registration Office,
Karaikudi, Sivagangai District.



2.The Sub Registrar,
Registration Office,
Devakottai,
Sivagangai District.

+1cc to MR.A.N.RAmanathan, Advocate SR.No.66499

sms

sm:DB:24/11/2016:3P/4C

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