

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.08.2017

CORAM

THE HON'BLE Mr. JUSTICE M. DHANDAPANI

W.P.No.27264 of 2003

D.Murugan

... Petitioner

vs.

1. The District Registrar for Registration,
Vellore.
2. The Special Deputy Collector (Stamps),
Vellore.
3. The Sub Registrar, Natrampalli,
Tirupattur Taluk, Vellore District. ... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of Mandamus, directing the respondents to return the Sale Deed executed on 09.07.1999.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.A.Zakir Hussain
Government Advocate

O R D E R

The petitioner filed this writ petition seeking for a direction to the respondents to return the Sale Deed executed on 09.07.1999.

2. Heard Mr.C.Prakasam, learned counsel appearing for the petitioner, Mr.A.Zakir Hussain learned Government Advocate appearing for the respondents.

3. The case of the petitioner is that the petitioner entered into an agreement of sale with one T.K.Jayapalan in the year 1980 for the purchase of land with building for a sum of Rs.45,000/- and subsequently the said Jeyapalan failed to execute the sale deed. Hence, the petitioner was forced to file a suit for specific performance before the Subordinate Judge, Tirupattur in O.S.No.311 of 1980. It appears suit is entered in his favour and appeal was filed by the defendant in A.S.No.849/1982 and the same was dismissed by the Lower Appellate Court 27.09.1994. Thereafter, he filed a Execution petition in E.P.No.59 of 1995 for execution of the sale deed.

4. When the matter is pending before the Lower Court, the petitioner approached this Court for a mandamus directing the respondents to return the sale deed executed on 09.07.1999. The petitioner not placed any material before this Court with regard to the Registering of any document.

5. The learned counsel appearing for the petitioner would submit that for the non execution of Sale deed by the registering authority, the petitioner had approached this Court for execution of Sale Deed.

6. This Court is unable to accept the prayer made in the Writ petition for the reason there was no sale deed before the registering authority and there is no material before this Court to substantiate the claim made by the petitioner.

7. When the Civil Court itself is competent to issue appropriate direction to the registering authority, filing Writ Petition under Article 226 of Constitution of India is not maintainable. Hence, this writ petition is dismissed. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

sjj/arr

To

1. The District Registrar for Registration,
Vellore.
2. The Special Deputy Collector (Stamps),
Vellore.
3. The Sub Registrar, Natrampalli,
Tirupattur Taluk, Vellore District.

+2cc to the Government Pleader, S.R.No.59916 & 59489

W.P.No.27264 of 2003 &
W.M.P. No.33316 of 2003

GJ(CO)
GN(01/09/2017)