



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.10.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P (MD) No.18363 of 2017

Kremmer Sandegren Foundation, Pattukottai
rep. by Vice President, D.Arulraj,
No.16, St. John Church Shopping Complex,
1st Floor, No.6, Rakkins Road,
Trichy Taluka, Trichy - 620 001.

.. Petitioner

Vs.

1.The Joint Sub-Registrar No.3,
Office of the Joint Sub-Registrar No.3,
Tiruchirapalli.

2.The Tahsildar,
Tiruchirapalli East,
Trichy District.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the first respondent to release the pending Document No.P89/2016 dated 29.12.2016 of Sale Agreement executed by petitioner in favour of M.Ahmad Basha and R.Abbas on 26.12.2016 in respect of land bearing Survey No.93/4, 0.65.5 Ares in Tharanallur Village, Trichy Taluk, Trichy, within the period stipulated by this Court.

For Petitioner : Mr.A.Haja Mohideen

For Respondents : Mr.M.Alagathevan,
Special Government Pleader.

ORDER

This writ petition is filed seeking a writ of mandamus to direct first respondent to release the sale agreement in Document No.P89/2016, dated 29.12.2016, executed by the petitioner in favour of one M.Ahmad Basha and R.Abbas on 26.12.2016 in respect of the land bearing Survey No.93/4 admeasuring 0.65.5 Ares situated in Tharanallur Village, Trichy Taluk, Trichy, within the period stipulated by this Court.



3.The case of the petitioner is that the land bearing Survey No.93/4 admeasuring 0.65.5 Ares situates in Tharanallur Village, Trichy Taluk, Trichy, belongs to the petitioner foundation and they decided to sell the same. According to the petitioner, one M.Ahmad Basha and R.Abbas were entered into a sale agreement with them on 23.12.2016 in respect of the said property and the petitioner submitted the same for registration before the first respondent, who in turn, forwarded a letter to the second respondent, seeking to verify the genuineness of patta and the second respondent stated that a suit is pending in O.S.No.1222 of 2016 in respect of the property, between the petitioner foundation and Roman Catholic Diocese. Therefore, the first respondent withheld the said sale agreement. It is the further case of the petitioner that the said suit is filed only for the relief of bare injunction and the pendency of the same is not a bar to accept the document for registration. Therefore, the petitioner is before this Court with the aforesaid prayer.

4.The learned counsel for the petitioner would submit that the period of sale agreement is four months from 23.12.2016 and the pendency of the suit is not a bar to accept the document for registration.

5.Heard the learned Special Government Pleader appearing for the respondents.

6.The petitioner submitted a sale agreement for registration before the first respondent. But, the first respondent sought for information about the genuineness of the patta in respect of the property in question from the second respondent, who in turn, submitted a report that a civil suit is pending with regard to the said property. In the case in V.K.Amalraj v. Inspector General (Registrations), the Appellate Authority, Government of Tamil Nadu and Others reported in 2011(1) CWC 283, this Court has held that the Registering Authority is not bound to retain the documents and the dispute with regard to the title of the property can be placed by the respective parties before the competent Civil Court. Following the said Judgment, this Court directs the first respondent to release the registered sale agreement to the petitioner, provided the petitioner pays necessary stamp duty, within a period of two weeks from the date of receipt of a copy of this order.

7.The writ petition is disposed of as above. No costs.

Sd/-

Assistant Registrar(T&P)

/True Copy/



To

1.The Joint Sub-Registrar No.3,
Office of the Joint Sub-Registrar No.3,
Tiruchirapalli.

2.The Tahsildar,
Tiruchirapalli East,
Trichy District.

+1CC to Mr.A.Haja Mohideen, Advocate, SR.No. 82516

ORDER MADE IN
W.P (MD) No.18363 of 2017

smn

JM/MR KKR/SAR 1/24.10.2017/3P/4C