

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.12.2018

CORAM

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.7389 of 2018

S.P.Selvam

.. Petitioner

Vs.

1. The Joint-I Sub-Registrar,
Tiruppur,
Tiruppur District.

2. Das Kunjuraman
S/o. Kunju Raman,
Rep. By his Power Agent,
R.Sundarraaj,
Residing at No.42, 9th Street,
S.V.Colony East, P.N.Road,
Tiruppur.

.. Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent to accept the presentation and register the Sale Deed dated 08.02.2018 executed in favour of the petitioner in respect of land measuring about 2664 sq.ft., bearing Plot No.29, R.S.Puram Layout, comprised in S.F.No.130 of Neruperichal Village, Tiruppur Taluk and District and return the registered instrument after completing the registration formalities in accordance with law, within the time to be stipulated by this Hon'ble Court.

For Petitioner : Mr.R.Bharath Kumar

For Respondents : Mr.T.M.Pappiah

Special Government Pleader for R1

Mr.V.Samuthiravijayan, for R2

O R D E R

The prayer in the writ petition is for a direction to the first respondent to accept the presentation and register the Sale Deed dated 08.02.2018 executed in favour of the petitioner in respect of land measuring about 2664 sq.ft., bearing Plot No.29, R.S.Puram Layout, comprised in S.F.No.130 of Neruperichal Village, Tiruppur Taluk and District and return the registered instrument after completing the registration formalities.

2. Heard Mr.R.Bharath Kumar, learned counsel appearing for the petitioner, Mr.T.M.Pappiah, learned Special Government Pleader appearing for the first respondent and Mr. V.Samuthiravijayan, learned counsel appearing for the second respondent.

3. The petitioner has agreed to purchase the property belonging to the second respondent through the power agent. After verifying the original sale deed dated 13.12.1996, registered as Document No.4786 of 1996, it is alleged that the petitioner purchased the property from the second respondent and the second respondent has also executed a sale deed dated 08.02.2018, conveying the said property. The petitioner and the power agent of the second respondent went to the first respondent's office to complete the registration formalities. However, the first respondent has refused to register the sale deed, for the reason that the name of the purchaser, who is the vendor herein is mentioned as Das Kunjuraman, whereas, in the 1996 Sale Deed it is shown as Kunjiraman, Son of Dass.

4. It is now stated by the petitioner that he is satisfied with the title of his vendor /second respondent and he would also furnish an affidavit to the effect that the purchaser mentioned in the Sale Deed of the year 1996 as well as the vendor cited in the Sale Deed of the 2018 are one and the same person.

5. The learned counsel appearing for the second respondent has also accepting the said fact. It is only the identity of the person which was doubted. When the petitioner himself is sure about the title of his vendor, the first respondent cannot raise any objection during the registration of the Sale Deed. The petitioner has even executed an affidavit to the effect that he is satisfied with the title of his vendor. Such being the case it is only desirable that the 1st respondent registers the Sale Deed in favour of the petitioner accepting the affidavit filed

by the petitioner. The petitioner is directed to complete the process of registration within a period of four weeks from the date of receipt of a copy of this order.

6. The petitioner has filed the Writ Petition during the month of March 2018. The Writ Petition was pending all along. The 1st respondent is directed to eschew the period during which the Writ Petition was pending before this Court and entertain the sale deed dated 08.02.2018.

7. With the above directions, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

jv

To

The Joint-I Sub-Registrar,
Tiruppur,
Tiruppur District.

+1 cc to Mr.R.Bharath Kumar, Advocate Sr.No.83181

+1 cc to The Government Pleader, Sr.No.83618

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MP (CO)

CSL./09.01.2019

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