

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2018

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.4519 of 2016

M. Mohammed Fajeeth

... Petitioner

vs.

1. The Sub-Registrar,
Office of the Sub-Registrar,
T.R.Pattinam, Neravy,
Karaikal.
2. The Secretary to Government of Pondicherry,
Department of Registration,
Pondicherry -9.
3. Madhina Banu,
(R3. Dismissal vide Court order dt. 16.06.2017) ... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a writ of Certiorarified Mandamus calling for the records of the respondent No.1 under reference "Registration refused document No.1 of 2014, Book No II" on the extract dated 24.06.2015 and quash the same with further direction to the respondent No.1 to register the agreement for sale dated 27.11.2014 presented by the petitioner for registration forthwith.

For Petitioner : Mr. S. Senthil Nathan

For Respondents: Mr.J. Kumaran,
Government Pleader for R1 & R2

O R D E R

The relief sought for in this writ petition is for directing the respondent to call for the records in relevant to the document No. No.1 of 2014, Book No II and quash the registration refusal order and issue further direction to the respondent to

register the agreement of sale dated 27.11.2014.

2. The grievance of the writ petitioner is that he presented an instrument of agreement for sale dated 27.11.2014 for registration before the 1st respondent, Sub-Registrar. The 1st respondent refused to register the same stating that the required documents for registration of agreement for sale have not been produced by the writ petitioner.

3. However, it is brought to the notice of this Court that, against the order passed by the Sub-Registrar there is an appeal under Section 72 of the Indian Registration Act, to be preferred before the District Registrar concerned. The writ petitioner has to exhaust the statutory remedies provided under the Act.

4. Admittedly, the writ petitioner has not exhausted the remedy by not filing any appeal and filed the present writ petition for adjudication. In respect of the complex, facts and circumstances arising on account of the registration, this Court would adjudicate the same in the writ jurisdiction. The facts and circumstances are to be adjudicated by verifying original documents and by conducting an inquiry in the appeal. In this view of the matter, the writ petitioner is at liberty to approach the appellate authority namely District Registrar concerned under Section 72 of the Indian Registration Act and in the event of preferring any such appeal, the District Registrar is at liberty to consider the same on merits and in accordance with the law.

5. Accordingly the writ petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous writ petitions are also dismissed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

pkn

To

1. The Sub-Registrar,
Office of the Sub-Registrar,
T.R.Pattinam, Neravy,
Karaikal.

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2. The Secretary to Government of Pondicherry,
Department of Registration,
Pondicherry -9.

+1cc to Mr.S.Senthilkumar, Advocate, S.R.No.61124

+1cc to the Government Pleader, S.R.No.61521

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RR(CO)
GSP(17/10/2018)



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