

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2018

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

W.P.No.28490 of 2018

R.S.Karunamurthi

.. Petitioner

Vs

The Sub-Registrar,
Sulur Sub Registrar Office,
Coimbatore District.
.. Respondent

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the respondent to release the sale deed in pending document in P.137/2018 dated 31.08.2018 by implementing the orders passed in E.P. No.248 of 2017 by the 2nd Additional Sub Judge, Coimbatore.

For Petitioner : Mr.M.Ramamurthi
for Mr.S.Kumaresan

For Respondent : Mr.T.M.Pappiah,
Special Government Pleader

ORDER

By consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

2.The petitioner has come up with this writ petition seeking a direction to the respondent to release the sale deed in pending document in P.137/2018 dated 31.08.2018 by implementing the orders passed in E.P. No.248 of 2017 by the 2nd Additional Sub Court, Coimbatore.

3.According to the learned counsel for the petitioner, the petitioner has paid a sum of Rs.4,00,000/-, while entering into a Sale Agreement. In default of execution of sale deed, the petitioner filed a suit in O.S. No.1798 of 2015 for specific performance and thereafter, the I Additional Sub Court, Coimbatore passed an exparte decree in his favour. Subsequently, the petitioner represented

before the respondent about presentation of Sale Deed and made on line appointment. However, the respondent passed Proceedings in Ma.Ku.No.233 stating that he will pass appropriate order, if the Court sale Deed is presented before him. The petitioner filed a Memo before the II Additional Sub Court, Coimbatore stating the same. Despite an order directing the respondent to register and release the sale deed by the II Additional Sub Court, the respondent has not come forward to do the same. Hence, the petitioner is before this Court.

4.Mr.T.M.Pappiah, learned Special Government Pleader taking notice for the respondent, submitted that the claim of the petitioner would be considered by the respondent, on merits and in accordance with law.

5.Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court directs the respondent to consider the claim of the petitioner and pass appropriate orders, on merits and in accordance with law, after affording due opportunity of hearing to the petitioner as well as any of the interested parties, within a period of six weeks from the date of receipt of a copy of this order.

6.Accordingly, this writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS ix)
//True Copy//
Sub Assistant Registrar

vga
To

The Sub-Registrar,
Sulur Sub Registrar Office,
Coimbatore District.

2.The 2nd Additional Sub Judge, Coimbatore.

+lcc to Mr.S.Kumaresan , Advocate SR.No. 74025

ASK(30/10/2018)

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