

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22.11.2018

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P. No.30607 of 2018
and W.M.P.No.35684 of 2018

S.G.Nandhakumar

.. Petitioner

Vs.

1.The Joint Sub-Registrar-I (District Registrar Cadre),
Salem East.

2.M.Kalaivani

.. Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned order dated 22.10.2018 made in O.Mu.No.3563/APaPi/2018 on the file of the 1st respondent quash the same and consequently direct the 1st respondent not to accept any sale deed document from the 2nd respondent.

For Petitioner : Mr.T.Shanmugam

For Respondent-1 : Mr.T.M.Pappiah
Special Government Pleader

O R D E R

The prayer sought for in this Writ Petition is for issuance of a Writ of Certiorarified Mandamus to call for the records of the impugned order dated 22.10.2018 made in O.Mu.No.3563/APaPi/2018 on the file of the first respondent and to quash the same and consequently to direct the first respondent not to accept any sale deed document from the second respondent.

2. The impugned order is passed by the first respondent and the request of the petitioner is not to entertain the registration of the document presented by the second respondent and register the same. The second respondent is the owner of the property. The petitioner had approached the second respondent for purchasing the property, pursuant to which, an agreement was entered into and sale consideration was fixed. The

agreement was also reduced into writing and an advance of Rs.10,00,000/- was also received by the second respondent. It is the case of the petitioner that now the second respondent is trying to sell the property to the third parties suppressing the said agreement. The petitioner had already approached the Civil Court and filed O.S.No.249 of 2018 on the file of the I Additional District Court, Salem for the relief of specific performance against the second respondent along with the application for interim injunction.

3. When the civil disputes are pending, the claim of the petitioner is only based on the agreement, which would not confer the title on him and the same cannot be accepted by the first respondent. Hence, the impugned order is passed by the first respondent stating that till the disputes between the parties are resolved and as the civil suits are pending, no order could be passed. There is no infirmity in the impugned order passed by the first respondent, as the petitioner has got no valid title excepting the agreement.

4. With the above said observations, the Writ Petition is dismissed as devoid of merits. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-IX)

True Copy

Sub-Assistant Registrar

mpa/srn

To

The Joint Sub-Registrar-I (District Registrar Cadre),
Salem East.

+1 cc to M/s.T.Shanmugam, Advocate, SR No.79447

+1 cc to Government Pleader, SR No.80439

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NRI (CO)
SSM (14/12/2018)