



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.04.2018

CORAM:

THE HONOURABLE Mr.JUSTICE M.S.RAMESH

W.P.(MD)No.21001 of 2016

M.Kalifullah

... Petitioner

Vs.

1.The joint Registrar No.II,
Pattukottai,
Thanjavur District.

2.Jesu Stalin

... Respondents

(R2 is impleaded vide Court order
dated 07.02.2017 in W.M.P.(MD).No.16050/16)

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, to direct the respondent to register the sale deed dated 17.06.2016 presented by the petitioner in respect of the property measuring about 0.1.06 acre comprised in Survey No.11/6A, Sukkiranpatty Village, Pattukottai and release the same.

For Petitioner	: Mr.K.Goul
For R1	: Mr.Aayiram K Selvakumar
For R2	: Mr.K.Guhan

O R D E R

The case of the petitioner is that though he had presented a sale deed dated 17.06.2016 before the first respondent herein seeking for registration of the same, the property comprised in Survey No.11/6A, Sukkiranpatty Village, Pattukottai, the first respondent has not taken the same on file.

2.According to the petitioner, the respondent has not justified in keeping the registration pending.

3.The learned counsel for the second respondent submitted that he had earlier entered into a sale agreement with the petitioner herein in his capacity of a power agent to the said property, and since the petitioner herein had not come forward to have the sale deed registered, he had filed a suit in O.S.No.90 of 2016 on the file of the Principal District cum Sessions Court, Thanjavur, which is said to be pending. The said suit is for specific performance of the sale agreement and also for permanent injunction restraining the



petitioner herein from creating any encumbrance over the subject property.

4.The learned Additional Government Pleader submitted that in view of the pendency of the civil dispute and after obtaining the opinion of the Government Advocate, they were not in a position to have the sale deed registered and the same was also intimated to the petitioner herein.

5.In my view, the prayer as sought for the writ petition cannot be granted for the present, in view of the pendency of the civil suit for specific performance. If any direction is given to the first respondent to register the sale deed, the third party interest may also arise. Nevertheless, if at all the petitioner is aggrieved, it is always open to him to contest the civil suit and obtain favourable orders, for the purpose of having the sale deed registered.

6.In view of the above observations, I do not find any merits in the writ petition. Accordingly, the writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To
The Joint Registrar No.II,
Pattukottai,
Thanjavur District.

+1CC to Mr.K.Guhan, Advocate, SR.No. 59673
+1CC to the Special Government Pleader SR.No.59977

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