

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2019

CORAM

THE HON'BLE MR.JUSTICE P.D.AUDIKEVALU

W.P. No. 13097 of 2019
and
W.M.P. No. 13237 of 2019

P. Mohan Raj ...Petitioner

Vs.

1. The Inspector General of Registration,
Santhome,
Chennai.
2. The District Registrar - T. Nagar,
T. Nagar,
Chennai.
3. The Sub-Registrar,
T. Nagar,
Chennai 600 017.
4. The Special Officer,
Represented by Tr. K. Vadivelu Retd. I.P.S. Officer,
Park Town Benefit Fund,
No. 28, Agraharam Street,
Opposite to Kesava Perumal Koil Street,
Chindadripet,
Chennai - 600 002.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the Third Respondent herein to register the sale deed registered on-line on 19.03.2019 in TP/59137717/2019 and in favour of the Writ Petitioner within the time frame.

For Petitioner : Mr. V. Raghupathi

For Respondents : Mr. T.M. Pappiah for R1 to R3,
Special Government Pleader
R4 - vacated

O R D E R

Heard Mr. V. Raghupathi, Learned Counsel for the Petitioner and Mr. T.M. Pappiah, Learned Counsel appearing for the First to Third Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The entire property in old door No. 23 new door No. 57 in Srirampettai, CIT, Nagar, Nandanam, Chennai - 600 035 belongs to one P. Ekambaram. The said P. Ekambaram had mortgaged the entire property in favour of the Park Town Benefit Fund by a registered mortgage deed, which is claimed to have been subsequently discharged by making full re-payment of dues. The said P. Ekambaram subsequently executed settlement-deed in favour of P. Shanthi in respect of the First and Third Floors of the said property registered as document No. 2572 of 2010 dated 02.12.2010 in the office of the Sub Registrar, T. Nagar, Chennai.

3. According to the Petitioner, he has intended to purchase the Ground and Second Floors of the aforesaid property of the said P. Ekambaram. When the sale-deed executed by the said P. Ekambaram in favour of the Petitioner was presented for registration before the Third Respondent, it was orally refused by the Sub-Registrar on the ground that there has been no registration showing the discharge of the mortgage in favour of the Park Town Benefit Fund.

4. It is contended that though the said P. Ekambaram has fully discharged his mortgage dues in respect of the property to the Park Town Benefit Fund, it is now not functional and the Fourth Respondent, who was appointed as Special Officer to administer its affairs, is not available. In such circumstances, the present Writ Petition is filed to direct the Third Respondent to register the sale-deed executed by the said P. Ekambaram in favour of the Petitioner.

5. Learned Counsel for the Petitioner submits that the Petitioner is willing to purchase the said property subject to the mortgage in favour of the Park Town Benefit Fund.

6. In view of the aforesaid submissions made, the Third Respondent shall not refuse to register the sale-deed executed by the said P. Ekambaram in favour of the Petitioner in respect of the Ground and Second Floors of the property for the reason that the mortgage dues to the Park Town Benefit Fund have not been discharged and such execution of sale-deed and his registration, if otherwise in order, shall be subject to the aforesaid mortgage in favour of the Park Town Benefit Fund.

7. The Writ Petition stands disposed on the aforesaid terms. Consequently, connected Miscellaneous Petitions is closed. No costs.

s/d-
Assistant Registrar (CS V)

True Copy

Sub-Assistant Registrar

vji
To

1. The Inspector General of Registration,
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2. The District Registrar - T. Nagar,
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+1 CC to Mr.V. Raghupathi, Advocate sr 61490.
+1 CC to Govt. Pleader sr 62375.

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RSV(CO)
SP(13/09/2019)