



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P. (MD) No.3674 of 2019

J.Soundarapandian

... Petitioner

Vs

1.The Sub Registrar,
Thirumangalam,
Madurai District.

2.The Branch Manager,
Repco Home Finance Ltd.,
Plot No.4055, U Block,
No.10, First Floor, 4th main road,
Anna Nagar,
Chennai.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the second respondent to receive the sum of Rs.90,00,000/- Lakhs and to hand over the original documents as per the sale deed dated 22.01.2018, besides directing the first respondent to register the sale deed dated 22.01.2018 pending for registration before him within a time frame as fixed by this Court.

For Petitioner : Mr.S.Alagusundar
For R1 : Mr.M.Murugan
Government Advocate

For R2 : Mr.B.Rajesh Saravanan

ORDER

Heard the learned counsel on either side.

2.One Hema had availed financial assistance from the second respondent institution. She had offered quite a few properties as security. The petitioner herein had purchased one such item which had been mortgaged in favour of the second respondent. The sale deed executed in favour of the writ petitioner was presented to the first respondent for registration. The first respondent did not register the said document and it has been kept pending. The first respondent had apparently informed the petitioner that unless the second respondent gives a no objection certificate, the document will not be registered. Therefore, the petitioner moved the second respondent. The writ petitioner informed the second respondent



that he is willing to pay a sum of Rs.90,00,000/- directly for obtaining release of the original documents. Since the second respondent did not respond favourably to the petitioner, this writ petition came to be filed.

3. When the matter was taken up for hearing, the learned counsel appearing for the second respondent stated that the property purchased by the petitioner herein is a prime property and that the second respondent is not willing to part with the same.

4. Since it is essentially a contractual dispute, I am of the view that no relief can be granted in this writ petition. Accordingly, this writ petition is dismissed.

5. It is made clear that this Court has not gone into the merits of the matter. The rights of the parties are left open. It is also open to the petitioner and the second respondent to amicably resolve the dispute between themselves. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar (CS)

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To

The Sub Registrar,
Thirumangalam,
Madurai District.

+1CC TO MR.B.RAJESH SARAVANAN, Advocate Sr. No.60817

+1CC TO MR.S.ALAGUSUNDAR, Advocate Sr. No.60836

+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No.60973

W.P. (MD) No.3674 of 2019

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TR (27.04.2019) 2P 5C