



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.03.2019

CORAM:

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

W.P.(MD)No.6459 of 2019

and

W.M.P.(MD)No.5163 of 2019

S.Sivakumar

... Petitioner

Vs

The Joint Sub Registrar No.I,
Office of the Joint Sub Registrar No.I,
Dindigul.

...Respondent

PRAYER : Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for records pertaining to the Memo dated 12.09.2017 issued by the respondent and quash the same as illegal and consequently direct the respondent to register the sale deed executed in the petitioner's father on 18.08.2017 by one B.Jeyabalan in respect of the property measuring an extent of 455 Sq.Ft., and a building therein comprised in T.S.No.1329/2, bearing Door No.76/56, 6th Ward, VMR Patti, Dindigul Town.

For Petitioner : Mr.J.Lawrance

For Respondent : Mr.M.Murugan
Government Advocate

ORDER

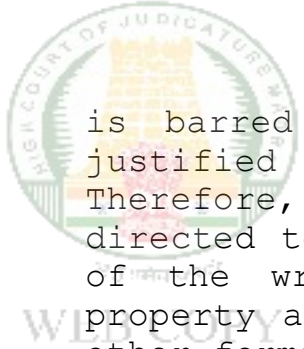
Heard the learned counsel on either side.

2.The petitioner intends to purchase the petition mentioned property from one Jeyabalan. It appears that the property was mortgaged by the grand mother of the petitioner's vendor in favour of one Muthuchamy Chettiar on 06.09.1957. A mortgage deed bearing document No.3495 of 1957 was also executed. Citing the said encumbrance, the sale deed executed in favour of the petitioner herein was not received for registration by the respondent. In this regard, the impugned memorandum dated 12.09.2017 was also issued. The same is under challenge in this writ petition.

3.The learned counsel for the petitioner states that the mortgage in question was redeemed in the year 1959 itself.

<https://hcservices.ecourts.gov.in/hcservices/>

4.Even otherwise, on the very face of it, the said transaction



is barred by limitation. Therefore, the respondent is not justified in declining to register the document in question. Therefore, the impugned memorandum is quashed. The respondent is directed to receive the sale deed executed by Jayabalan in favour of the writ petitioner in respect of the petition mentioned property and register the same, subject to fulfilment of all the other formalities.

5. Accordingly, this writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

Sub Assistant Registrar (CS)

To

The Joint Sub Registrar No.I,
Office of the Joint Sub Registrar No.I,
Dindigul.

+1 CC to M/s.J.LAWRANCE, Advocate (SR-55519[F] dated 20/03/2019)

PNN

W.P. (MD) No. 6459 of 2019

and

W.M.P. (MD) No. 5163 of 2019

19.03.2019

KM/(02.04.2019) 2P 3C