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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 07.03.2019
CORAM:
THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**
W.P.(MD)No.24308 of 2018

A.Nirmala ... Petitioner

Vs

The Sub-Registrar,
Uppiliapuram Registrar Office,
Turaiyur Taluk,
Trichy District. ...Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to the communication in Check-Slip dated 23.07.2018 on the file of the respondent and quash the same and consequently direct the respondent to register the Sale Agreement dated 23.07.2018 produced by the petitioner and her family members within the time to be stipulated by this Court.

For Petitioner : Mr.N.Mohan
For Respondent : Mr.M.Murugan
Government Advocate

ORDER

Heard the learned counsel either side.

2.The writ petitioner wants to sell the subject property. The petitioner executed a sale agreement dated 23.07.2018 in favour of one Krishnan. When the same was presented for registration, the respondent declined to register the same. He issued the impugned check-slip dated 23.07.2018. In the said check-slip it is mentioned that there is an encumbrance reflected in respect of the property. It appears that one Antony Samy Reddiyar who is the grandfather of the writ petitioner has taken a sum of Rs.2,000/- from one Sownthirammal and executed a mortgage deed in the year 1972. Since the same has not been settled and cleared, the respondent has declined to register the petition mentioned agreement.

3.The mortgage is of the year 1972. More than 46 years have elapsed. There is nothing on record to show that the mortgagee has taken any action against the property in question. On the face of it, it appears that the liability is barred by limitation. In this view of the matter, the order impugned in this writ petition is quashed. The petition mentioned agreement shall be registered subject to the fulfilment of the other formalities.

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4.Accordingly, this writ petition is allowed. No costs.

Sd/-
Assistant Registrar(co)

/True Copy/

Sub Assistant Registrar

To

The Sub-Registrar,
Uppiliapuram Registrar Office,
Turaiyur Taluk,
Trichy District.

+1cc to Special Government Pleader, SR.No.53000
+1cc to Mr.N.Mohan, Advocate, SR.No.52578

W.P.(MD)No.24308 of 2018
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SP/12.03.2019/ 2P/4C

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