



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.24429 of 2018

N.Raju

... Petitioner

Vs

1. The District Registrar,
District Registrar's Office,
Trichy, Trichy District.

2. The Sub-Registra,
Sub-Registrar's Office,
Thiruverumbur,
Trichy District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the second respondent herein to register the sale agreement deed dated 17.10.2018 pertaining to property situated at Trichy District, Thiruverumbur Taluk, Thiruverumbur Sub-Registration, Velayudhangudi Village, Ayan Punjai Old S.F.No.1, New S.F.No.282/2, measuring Acre 4 and 36 cents, in the light of petitioner's representation dated 27.10.2018, within the stipulated period as may be fixed by this Court.

For Petitioner	: Mr.R.Sundar
For Respondents	: Mr.M.Murugan Government Advocate

ORDER

Heard the learned counsel on either side.

2.The writ petitioner is holding a Power of Attorney in respect of the petition mentioned property. On the strength of the said Power of Attorney, he entered into a sale agreement with one Ganesan. It was also duly registered on 09.08.2016. Stating that the said Ganesan is not willing to perform his part of the agreement, the petitioner now wants to enter into a fresh agreement with another person. In this regard, he presented a sale agreement dated 17.10.2018 before the second respondent. The second respondent has declined to receive and register the said document on the ground that the earlier agreement is still in force. Hence the petitioner has filed this writ petition seeking the aforesaid relief.



3.This Court wanted to know from the learned Government Advocate that if there is any specific provision which enables the Sub Registrar of the Registration Department to deny registration in such cases. The learned Government Advocate brings it to my attention that a circular bearing No.18223/C1/2013-3 dated 08.11.2013 issued by the Inspector General of Registration, calling upon the Registering Authority to satisfy himself that there is no doubt on the title of the executant. But the said circular does not state that the Registering Authority should refuse registration if a prior agreement is still in force.

4.Therefore, I am of the view that the second respondent cannot deny registration of the petition mentioned document on the ground that the writ petitioner's earlier agreement with Ganesan has not been cancelled.

5.The writ petition stands allowed. The second respondent shall register the petition mentioned document subject to fulfillment of all other formalities.

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

Sd/
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1. The District Registrar,
District Registrar's Office,
Trichy, Trichy District.
2. The Sub-Registra,
Sub-Registrar's Office,
Thiruverumbur,
Trichy District.

+1 CC to M/s.R.SUNDAR, Advocate (SR-52701[F] dated 08/03/2019)
+1 CC to M/s.SPL GP (SR-53063[F] dated 11/03/2019)

PNN

TE : 22/03/2019 : 2P/5C