



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.04.2019

CORAM:

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

W.P. (MD) No.21210 of 2018

B.J.Gomathy

... Petitioner

Vs

1.The Inspector General of Registration,
Nungambakkam,
Chennai.

2.The Sub-Registrar,
Joint 4 Sub-Registrar Office,
Madurai.

3.The District Registrar,
Joint 4 Sub-Registrar Office,
Madurai.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to return and deliver the document No.P201700071, dated 18.04.2017, presented for registration duly registered by the petitioner.

For Petitioner : Mr.K.S.Sreenivasan

For Respondents : Mr.M.Karuppasamy
Government Advocate

ORDER

The writ petitioner wants to purchase the house site in Plot No.13 comprised in Survey No.104/3A in Avaniyapuram Village in Barasakthi Nagar extension covered in Patta No.71. The said property belongs to one K.R.Mayurapriyan. The said K.R.Mayurapriyan had purchased the property vide sale deed dated 17.08.2005 registered as Document No.5640 of 2005 on the file of the second respondent herein. The petitioner had paid the entire sale consideration to the said K.R.Mayurapriyan and that the said K.R.Mayurapriyan had executed the petition mentioned document dated 18.04.2017 in her favour. It was presented for registration before the second respondent however the second respondent received the document registration and all the formalities got concluded. But then, the second respondent declined to register and return the document to the petitioner. Therefore, this writ petition came to be filed.



2.The learned counsel for the petitioner drew my attention to the fact that a number of documents in respect of the very same survey number were already registered by the very same office. The petitioner's counsel in fact passed on a list of as many as 41 documents pertaining to the very same survey number. Therefore, the contention of the learned standing counsel appearing for the respondents that since they have received objection from the Hindu Religious Charitable and Endowment Department/ EO of Sri Arulmighu Subramanian Temple, they are not in a position to register the document in question does not sound coming.

3.In this case, a document in respect of the subject to survey number is not being presented for the first time. In fact the petitioner's vendor had purchased the property by way back in the year 2005 and the sale deed executed in his favour was formally registered by the office of the second respondent. Therefore, when the petitioner is only wanting to buy from a registered title holder there cannot any objection from the second respondent to register the document in question. In any event, the petitioner cannot be selectively discriminated. When the second respondent has registered even subsequent documents in respect of the very same survey number, the respondent cannot say "no" to the writ petitioner alone. I find the conduct the second respondent to be discriminatory. In any event, the temple in question can always move the civil Court, if the property belongs to the temple. Therefore, by merely registering the document in question, the rights of the temple will not be affected in any manner. Therefore the second respondent is directed to complete all the formalities and assign the reregistration number for the petition mentioned document and return it within a period of two weeks from the date of receipt of a copy of this order.

4.The writ petition stands allowed. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)

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To:

1.The Inspector General of Registration,
<https://hcservices.ecourts.gov.in/hcservices/>
Nungambakkam, Chennai.



2.The Sub-Registrar,
Joint 4 Sub-Registrar Office,
Madurai.

3.The District Registrar,
Joint 4 Sub-Registrar Office,
Madurai.

+2CC TO MR.K.S.SREENIVASAN, Advocate Sr. No. 58163
+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 58337

W.P. (MD) No.21210 of 2018
01.04.2019

TR (04.04.2019) 3P 7C