



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:03.09.2019

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WEB COPY

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P. (MD)No.19025 of 2019

V.Dharmalingam

... Petitioner

vs.

1.The District Registrar,
Muthupattinam,
Karaikudi,
Sivagangai.

2.The Sub-Registrar,
Ponnamaraavathy,
Sivagangai District.

... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the second respondent to allow the petitioner's sale deed of his land in survey No.77/7 which is situated at Keezhavayal, Singampunari Taluk, Sivagangai District and consider the petitioner's representation dated 14.08.2019.

For Petitioner : Mr.A.MU.Sharavanan

For Respondents : Mr.V.Anand
Government Advocate

ORDER

Mr.A.MU.Sharavanan, learned Counsel on record for writ petitioner is before this Court.

2. It is the case of writ petitioner that writ petitioner purchased about 0.69.0 ares of land comprised in Survey No.77/7 in Keezhavayal Village, Thiruppathur Taluk, Ponnamaravathi Sub Division, Karaikudi Registration District, patta being No.1051 (herein after 'said property' for brevity) from one Pala.Palaniappan, vide registered sale deed dated 05.04.2007 registered as document No.727 on the file of the second respondent.



3. Adverting to patta, learned Counsel for writ petitioner submitted that patta for the said property also now stands in the name of writ petitioner this buttresses the aforesaid purchase.

4. It is the case of writ petitioner that when writ petitioner took efforts to convey said property by way of a sale deed, the second respondent did not register the same owing to objection from one Alagesan.

5. In the third page, at paragraph No.9 of affidavit filed in support of the writ petition, there is no averment as to when the sale deed was presented before second respondent and when second respondent refused to register. It is also articulated in the affidavit filed in support of writ petition that said land is writ petitioner's ancestral property and it is sub-divided amongst the legal heirs, notwithstanding the articulation in the hearing, the said property was purchased under aforesaid sale deed dated 05.04.2007.

6. Mr.V.Anand, learned Government Advocate, accepts notice on behalf of both respondents.

7. In the absence of any draft sale deed and in the absence of any factual particulars/details about the date on which the sale deed was presented for registration and the date on which registration of the same was refused by the second respondent, Counsel accepting notice for the respondents 1 and 2 will obviously not be able to get instructions, much less instructions with clarity and specificity. In other words, in the absence of complaint being articulated with clarity and specificity, it would not be possible for Counsel for the respondents to get instructions.

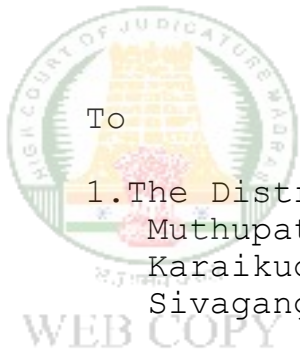
8. Therefore, this Court is left with the considered view that instant writ petition is bereft of material particulars. Be that as it may, on a demurer even if it is to be presumed that writ petitioner has presented the sale deed for registration, writ petition is premature, as there is no order of refusal of registration. Either way, writ petition cannot be entertained.

9. Instant Writ Petition is dismissed. There shall be no order as to costs.

Sd/-
Assistant Registrar (CS-II)

/TRUE COPY/

Sub Assistant Registrar



To

1.The District Registrar,
Muthupattinam,
Karaikudi,
Sivagangai.

2.The Sub-Registrar,
Ponnamaraavathy,
Sivagangai District.

+1 CC to M/s.SPL GP (SR-85002[F] dated 04/09/2019)

W.P. (MD) No.19025 of 2019
03.09.2019

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JM/17.09.2019/3P/4C