



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P(MD)No.17127 of 2018

S.Allahayar

... Petitioner

vs.

1.The Sub-Registrar,
Thiruvadanai Sub-Registrar's Office,
Thiruvadanai,
Ramanathapuram District.

2.Paulraj

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first respondent to accept the sale deed dated 17.07.2018 for registration executed by second respondent in favour of petitioner in respect of the property in Survey No.434 Punjai 2.91.5 hectare equivalent to 7 acres 20 cents under Segudi Village, Patta.No.1031, Kadambur Group, Thuthakudi Panchayat, Thiruvadanai Taluk, Ramanathapuram District within the time stipulated by this Court.

For Petitioner : Mr.S.Atham Ali
for Mr.A.Haja Mohideen

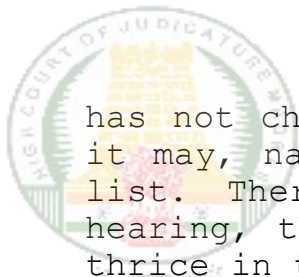
For R - 1 : Mr.M.Murugan,
Government Advocate.

For R - 2 : No appearance

ORDER

Mr.S.Atham Ali, learned counsel representing Mr.A.Haja Mohideen, learned counsel on behalf of writ petitioner and Mr.M.Murugan, learned Government Advocate on behalf of first respondent (official respondent) are before this Court.

2.To be noted, second respondent is a private respondent, who has been duly served. This Court is informed that second respondent



has not chosen to enter appearance through any counsel. Be that as it may, name of the second respondent is duly shown in the cause-list. There is no representation for second respondent at the hearing, though the name of second respondent was called out aloud thrice in the court hall and in adjoining corridor.

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3. In the aforesaid backdrop, with consent of learned counsel before this Court, main writ petition is taken up, heard out and is being disposed of.

4. From the submissions made before this Court and from the case file placed before this Court, it comes to light that entire Writ Petition now turns on a extremely narrow compass.

5. Nucleus of this Writ Petition is a draft sale deed dated 17.07.2018 wherein second respondent as vendor is to convey immovable property mentioned therein to writ petitioner as vendee. Central theme of this Writ Petition is registration of this draft sale deed in the office of the first respondent, whom this Court is informed is the jurisdictional Sub-Registrar.

6. Learned State Counsel submits that draft sale deed was neither presented physically nor uploaded online for registration.

7. Notwithstanding very many averments made in the affidavit filed in support of the writ petition, notwithstanding several contentions canvassed / grounds urged in the affidavit filed in support of instant writ petition, learned counsel for writ petitioner makes a lone submission and that lone submission is that there was some difficulty in the second respondent going over to the office of the first respondent for presenting the aforementioned draft sale deed and getting it registered. Learned counsel also submits that writ petitioner has now discussed the matter with the second respondent and second respondent has now agreed to go over to the office of the first respondent.

8. Learned State Counsel submits that if the vendor and vendee come in person to the office of the jurisdictional Sub-Registrar and present a draft sale deed, registration of the sale will be taken up and dealt with in accordance with law more particularly in accordance with the 'Registration Act, 1908 and the Tamil Nadu Registration Rules, 1983 (hereinafter referred to as 'said Act' and 'said Rules' respectively for brevity).

9. Writ petitioner submits that second respondent and writ petitioner will go over to the office of the first respondent and present the draft sale deed. Suffice to say that if this is done, first respondent shall consider the registration of draft sale deed in accordance with law more particularly in accordance with said Act



10. Instant Writ Petition is disposed of recording the aforesaid stated position of the parties. No costs.

Sd/-

Assistant Registrar

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// True Copy //

Sub Assistant Registrar(CS)

ps

To

The Sub-Registrar,
Thiruvadanai Sub-Registrar's Office,
Thiruvadanai,
Ramanathapuram District.

+1 CC to M/s.A.HAJAMOHIDEEN, Advocate (SR-96477[F] dated 06/11/2019)

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KK/SAR/12.11.2019/3P-3C/