

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.12.2020

CORAM :

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.1473 of 2015 and

M.P.No.1 of 2015

K. Jegannathan

...Petitioner

v.

1. The Inspector General of Registrar,
Santhome High Road,
Santhome
Chennai - 600 028.
 2. The District Registrar,
Trichy Road,
Namakkal - 637 001.
 3. The Sub Registrar,
Rasipuram,
Namakkal District - 637 408.
 4. R. Narasimmarajan
 5. Minor Sudarsan
Rep. By Father and Guardian
4th Respondent
- ... Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuing a Writ of Certiorarified Mandamus calling for the records in proceedings in A Thi Mu No.15/2015, dated 06.01.2015 on the file of the 3rd respondent herein and quash the same and further direct the 3rd respondent herein to register the sale deed dated 02.01.2015 executed by the respondents 4 and 5 in favour of the petitioner herein after issuing notice to the respondents 4 and 5 herein and also conducting appropriate enquiry under the provisions of Registration Act XVI of 1908.

For Petitioner : Mr. M. Guruprasad

For Respondents: Mr .P.P. Purushothaman,
Govt. Advocate - R1 to R3
Mr. Prakash - R4 & R5

O R D E R

The petitioner has filed the above Writ Petition to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the proceedings dated 06.01.2015 on the

file of the 3rd respondent, to quash the same and further directing the 3rd respondent to register the sale deed dated 02.01.2015 executed by the respondents 4 and 5 in favour of the petitioner after issuing notice to the respondents 4 and 5 and also conducting appropriate enquiry under the provisions of Registration Act.

2. It is the case of the petitioner that the respondents 4 and 5 executed a sale deed dated 02.01.2015 in his favour, however, the said document was refused to be registered by the 3rd respondent on the ground that the parent documents were not produce before him. Thereafter, the petitioner filed an application before the 3rd respondent seeking for compulsory registration of the document under section 36 of the Registration Act read with Rule 68 of the Registration Rules. Further, it is the case of the petitioner that the respondents 4 and 5 have received the entire sale consideration of Rs.6,00,000/- [Rupees six lakhs only] by way of Demand Draft dated 02.01.2015. However, the 3rd respondent refused to register the document compulsorily by the impugned order dated 06.01.2015 stating that the petitioner should approach the District Registrar (Administration) or the appropriate Civil Court.

3. Mr.M.Guruprasad, learned counsel appearing for the petitioner submitted that subsequent to the filing of the Writ Petition, the respondents 4 and 5 had sold the property to one S.Manoharan and N.Athiappan by a registered sale deed dated 31.01.2018 vide Document No. 448/2018 on the file of the 3rd respondent, therefore, the petitioner has filed a Civil Suit in O.S.No.28 of 2018 on the file of the Principal District Munsif Court, Rasipuram, seeking to cancel the sale deed dated 31.01.2018 and for other reliefs.

4. Mr.Prakash, learned counsel appearing for the respondents 4 and 5 submitted that the petitioner can work out his remedy before the Civil Court in the pending Civil Suit.

5. Similarly, Mr.Vijaya Baskar, learned counsel submitted that he got instructions from the subsequent purchasers, viz., S.Manoharan and N.Athiappan to represent that the petitioner can work out his remedy before the Civil Court in the pending Civil Suit.

6. Mr.P.P.Purushothaman, learned Government Advocate, appearing for the respondents 1 to 3 also submitted that the petitioner can work out his remedy before the Civil Court in the pending Civil Suit.

7. Having regard to the submissions made by the learned counsel on either side, since the respondents 4 and 5 have already sold the property to one S.Manoharan and another by a registered sale deed dated 31.01.2018 and the same is also

challenged by the petitioner in O.S.No.28 of 2018, the petitioner can get the prayer sought for in the present Writ Petition only after adducing oral and documentary evidences. Since the petitioner's suit in O.S.No.28 of 2018 is pending, the petitioner, is at liberty to file appropriate application to amend the prayer seeking for a direction to the 3rd respondent, who is also a party in the civil Suit to register the sale deed dated 02.01.2015.

8. In these circumstances, the Writ Petition is disposed of giving liberty to the petitioner to file appropriate amendment application before the Principal District Munsif Court, Rasipuram, to amend the prayer in O.S.No.28 of 2018. If such an application is filed before the Principal District Munsif Court in O.S.No.28 of 2018, the Principal District Munsif is directed to dispose of the same on merits and in accordance with law, as expeditiously as possible. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

Rj
To

1. The Principal District Munsif,
Rasipuram,
Namakkal District.

2. The Inspector General of Registrar,
Santhome High Road,
Santhome
Chennai - 600 028.

3. The District Registrar,
Trichy Road,
Namakkal - 637 001.

4. The Sub Registrar,
Rasipuram,
Namakkal District- 637 408.

+1cc to Mr.M.Guruprasad Advocate SR.NO.39899

+2cc to Mr.A.Jenasenan, Advocate SR.NO.39690

+1cc to the Government Pleader SR.NO.40112

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M.P.No.1 of 2015

SDR 19/12/2020