

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.07.2020

CORAM:

THE HONOURABLE Mr. JUSTICE N. ANAND VENKATESH

W.P.No.6389 of 2020

V.Sethu

..Petitioner

-Vs-

1.The District Registrar,  
Tiruppur

2.The Sub Registrar,  
Palladam Taluk, Palladam.

3.The Inspector General of Registration,  
Santhome, Chennai.

4.Chinnamaniammal

5.Mahalakshmi

6.Minor.Sabarlay

7.Minor.Sanjay Pranav

..Respondents

Respondents 6 & 7 represented by mother and Guardian  
Mahalakshmi (5th respondent)

सत्यमेव जयते

Prayer : Writ Petition filed under Article 226 of the  
Constitution of India praying to issue a Writ of Mandamus,  
directing the 2nd respondent to forthwith register and release  
the sale deed dated 18.10.2019 registered as P/Palladam,/43/2019  
on 18.10.2019.

|                |   |                            |
|----------------|---|----------------------------|
| For Petitioner | : | Mr.N.A.Nissar Ahmed        |
| For R 1 to R 3 | : | Mr.T.M.Pappiah             |
|                |   | Special Government Pleader |
| For R 4 to R 7 | : | No Appearance              |

## ORDER

This writ petition has been filed for the issuance of a writ of mandamus directing the 2<sup>nd</sup> respondent to release the Sale Deed executed in favour of the petitioner on 18.10.2019.

2.The case of the petitioner is that the Vendors of the petitioner are the absolute owners of the subject property and they had executed a Sale Deed in favour of the petitioner on 18.10.2019 and the same was also presented for registration before the 2<sup>nd</sup> respondent. The grievance of the petitioner is that the document is kept pending on the ground that respondents 4 to 7 have instituted a suit in OS.No.26/2020 against the petitioner and the Vendors are seeking for the relief of specific performance and for a declaration of the Sale Deed executed in favour of the petitioner as null and void.

3.The learned counsel for the petitioner submitted that the 2<sup>nd</sup> respondent ought not to have kept the document pending merely based on the letter given by respondents 4 to 7. The learned counsel further submitted that the validity of the Sale Deed will be gone into by the civil court and till then the 2<sup>nd</sup> respondent cannot keep the document pending on that ground. Therefore, the learned counsel submitted that the 2<sup>nd</sup> respondent must be directed to register and release the document to the petitioner.

4.Mr.T.M.Pappiah, learned Special Government Pleader appearing on behalf of the respondents 1 to 3 submitted that there was an earlier sale agreement registered by the Vendors of the petitioner in favour of respondents 4 to 7 and that is the reason why the document was kept pending based on the objections given by respondents 4 to 7. The learned counsel therefore submitted that the action taken by the 2<sup>nd</sup> respondent cannot be said to be illegal.

5.The learned counsel for the petitioner brought to the notice of this Court that private notice has been served on respondents 4 to 7 and a proof of service has also been filed in USR No.9119 on 17.03.2020. The service of notice has also been noted in the case file. There is no appearance for respondents 4 to 7.

6.The only ground on which the Sale Deed was not registered and released in favour of the petitioner was that there was a registered sale agreement in favour of respondents 4

to 7 and they have also given objections. The respondents 4 to 7 have already filed a suit in OS.No.26/2020, to declare the Sale Deed executed in favour of respondents 4 to 7 as null and void and also for the relief of Specific Performance. It is for the civil court to decide upon the validity of the Sale Deed executed in favour of the petitioner. That cannot be a ground for the 2<sup>nd</sup> respondent to retain the document.

7.In view of the above, there shall be a direction to the 2<sup>nd</sup> respondent to register the Sale Deed dated 18.10.2019 and release the document to the petitioner. It is made clear that the validity of the execution of the Sale Deed will be considered independently by the Civil Court without being influenced by the orders passed by this Court in the present writ petition.

This writ petition is disposed of accordingly. No costs.

Sd/-  
Assistant Registrar(CS III)MDU

//True Copy//

Sub Assistant Registrar

KP

To

- 1.The District Registrar,  
Tiruppur
- 2.The Sub Registrar,  
Palladam Taluk, Palladam.
- 3.The Inspector General of Registration,  
Santhome, Chennai.

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RSI (CO)  
KKV/24/09/2020