

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.10.2020

CORAM :

The HON'BLE MR.JUSTICE M.DURAISWAMY

W.P.No.220 of 2016

Sri Manav Construction and Developers
Private Limited,

Rep. By its Managing Director,
Mr. Manish Agarwal,
Son of Mr.Srinivasji Agarwal,
Muthiah Mudali Street, Sowcarpet,
Chennai - 600 079.

... Petitioner

v.

Sub Registrar,
Tiruporur,
Chennai - 603 110.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India for issuing a Writ of Mandamus directing the respondent to take all the steps that may be necessary for the completion of the registration of the agreement of sale dated 16.12.2012 presented by the petitioner to the respondent and kept as Pending Document No.55 of 2013 on his file, and complete the same in accordance with law and the procedure within a time frame as may be fixed by this Court.

For Petitioner : Mr. P. Raja

For Respondent : Mr. B. Kannan

Government Advocate

सतयमेव जयते
O R D E R

The petitioner has filed the above Writ Petition to issue a Writ of Mandamus directing the respondent to take all the steps that may be necessary for the completion of the registration of the agreement of sale dated 16.12.2012 presented by the petitioner to the respondent and kept as Pending Document No.55 of 2013 on his file, and complete the same in accordance with law, within a time frame.

2. It is the case of the petitioner that they have entered into a sale agreement with a Company, by name, M/s. Land Marvel Projects India Private Limited on 16.12.2012. Though the

sale agreement was mandatorily registrable under the Registration Act, the petitioner choose not to present the document for registration immediately. Subsequently, within a week's time, i.e. on 21.12.2012, the petitioner sold the property, which is the subject matter of the sale agreement dated 16.12.2012, by a sale deed dated 21.12.2012, registered in the office of the respondent as Document No.12923 of 2012 in favour of M/s. Land Marvel Projects India Private Limited. Similarly, M/s. Royal Land Developers Limited also executed a sale deed on the very same day and the said sale deed was also registered as Document No.12922 of 2012 .

3. Mr. P. Raja, learned counsel appearing for the petitioner submitted that the petitioner presented the sale agreement for registration on 08.02.2013, however, the respondent kept the document as pending document in Pending Document No.55 of 2013 for the reason that the petitioner had sold the property and executed the registered sale deed on 21.12.2012 itself. Further, the learned counsel submitted that since the petitioner had presented the sale agreement dated 16.12.2012 within four months from the date of execution of the document for registration before the respondent, the respondent should have registered the document.

4. Mr. B. Kannan, learned Government Advocate, appearing for the respondent submitted that the respondent has not registered the document for the reason that the petitioner had lost the title on 21.12.2012 itself.

5. When the petitioner had sold the property which is the subject matter of the sale agreement dated 16.12.2012, by a registered sale deed dated 21.12.2012, they cannot be termed as the owner of the property on the date of presentation of the sale agreement for registration i.e. on 08.02.2013. Even according to the learned counsel for the petitioner, the property was sold under two registered sale deeds dated 21.12.2012 pursuant to the sale agreement dated 16.12.2012. So far as the recitals mentioned in the sale agreement dated 16.12.2012 are concerned, it is the subject matter of the pending arbitral proceedings and therefore, I am not adverting to the recitals found in the documents. If any finding is given in this Writ Petition with regard to the recitals mentioned in the sale agreement, it would affect the case before the learned Arbitrator.

6. Since the petitioner had lost his title on 21.12.2012, the respondent had rightly refused to register the sale agreement dated 16.12.2012 when it was presented for registration on 08.02.2013. In such circumstances, no Mandamus can be issued to the petitioner for registering the sale

agreement dated 16.12.2012. In these circumstances, the Writ Petition is liable to be dismissed. Accordingly, the Writ Petition is dismissed. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

Rj

To

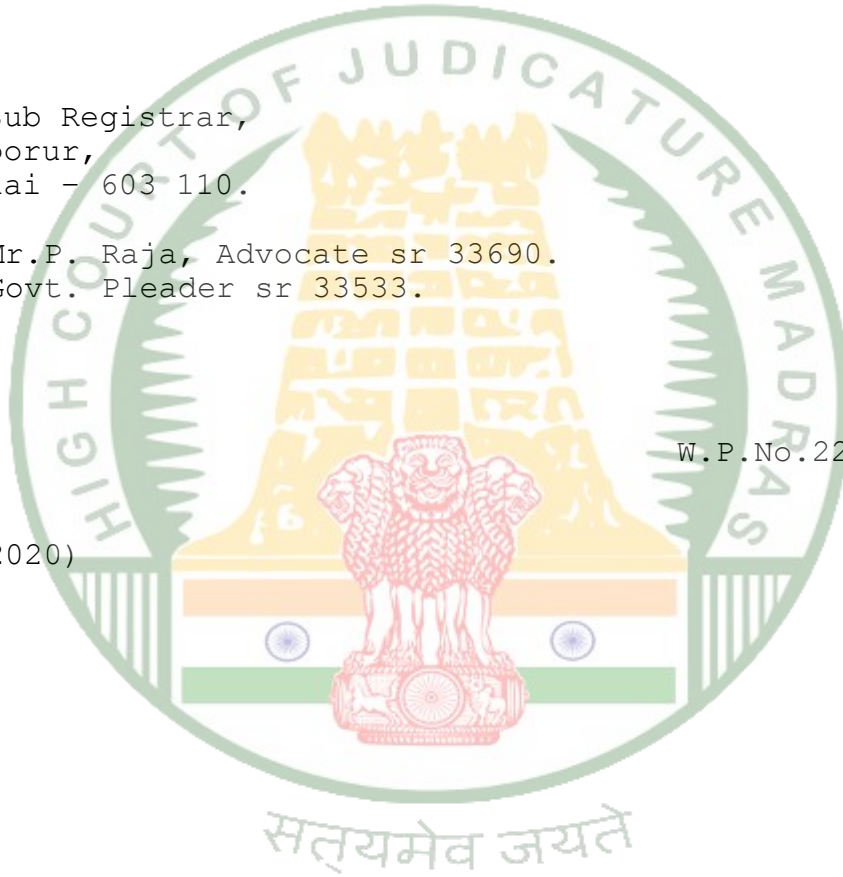
The Sub Registrar,
Tiruporur,
Chennai - 603 110.

+1 CC to Mr.P. Raja, Advocate sr 33690.

+1 CC to Govt. Pleader sr 33533.

PP(CO)
SP(04/11/2020)

W.P.No.220 of 2016



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