

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:28.10.2020

CORAM

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

W.P.No.14765 of 2020

1. Mrs. P.Savithri
2. Mrs.K.Revathy

... Petitioners

Vs.

The Sub Registrar,
Pammal S.R.O.,
Pammal, Chennai 600 075.

... Respondent

Prayer: Writ Petition filed under Section 226 of Constitution of India praying for issuance of Writ of Mandamus to direct the respondent to entertain and accept the sale deed dated 28.09.2020 and have the registration and complete the formalities and thereafter release the sale deed document in favour of the petitioners pertaining to the petition property situated at Grama Natta Survey No.386/2B, Plot No.39A, 39B, Door No.11/17, Pillaiyar Koil 3rd Street, Lakshmipuram, Thiruneermalai Village, Pammal Sub-Registration District, Tambaram Taluk, Kancheepuram District, South Chennai Registration District, measuring an extent of 902.15 sq.ft. Land property together with common passage of 184.33 sq.ft.

For Petitioner : Mr.T.Ramachandran

For Respondents: Mr.T.M.Pappiah, Spl.Govt. Pleader

सत्यमेव जयते
O R D E R

This Writ Petition has been filed for the issue of Writ of Mandamus directing the respondent to accept the sale deed presented by the petitioner for registration and to return back the document after registration.

2. The case of the petitioner is that the subject property measuring an extent of 1720 sq.ft. was originally owned by one Mrs.Subalakshmi. She thereafter, executed a Settlement Deed in favour of her daughters. The property ultimately vested upon Mrs.Meena and Mr.Murugan, who agreed to sell this property in favour of the petitioners. A Sale Deed was executed in favour of the petitioners by the above said persons on 28.09.2020. When the Sale Deed was presented for Registration before the

respondent, the respondent issued a check slip refusing to register the Sale Deed on the ground that the sub division must be approved by the CMDA or the local authority and only, thereafter the document can be entertained. Aggrieved by the same, the present Writ Petition has been filed before this Court.

3. Heard Mr.T.Ramachandran, learned counsel appearing for the petitioner and Mr. T.M.Pappiah, learned Special Govt. Pleader appearing for the respondent.

4. On a careful consideration of the submissions made on either side and also the documents placed before this Court, it is seen that the entire title documents as well as the revenue records stood in favour of the pre-decessors in title. On the strength of these documents, the Sale Deed was presented for registration before the respondent. The respondent was insisting upon the petitioner to produce the permission for sub division from CMDA or the local authority.

5. In the considered view of this Court, the respondent ought to have proceeded further to register the document, since there was no dispute with regard to the title, extent of property as well as the fact that the revenue records reflect the name of the vendors of the petitioner. There is no requirement to make any further enquiry more than this for the respondent to entertain the document and register the same.

6. In view of the above, there shall be a direction to the respondent to entertain the Sale Deed submitted by the petitioners and register the same, if it is, otherwise in order and subject to the condition that the necessary stamp duty and registration fees is paid. The document shall be released after registration.

7. This Writ Petition is disposed of with the above directions. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

msr
To
The Sub Registrar,
Pammal S.R.O.,
Pammal, Chennai 600 075.
+1 cc to The Government Pleader, Sr.No. 35219 & 34703

W.P.No.14765 of 2020

SAI (CO)
RMP (07/12/2020)