

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :11.12.2020

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.16635 of 2020
and
W.M.P.No.22749 of 2020

T.S.Narmathashree,
D/o.K.V.Thangavel,
No.112A, Sarathambal Nagar,
Karumathampatti Village,
Coimbatore District.

... Petitioner

Vs.

1.The District Registrar,
Coimbatore District.

2.The Sub Registrar,
Sub Registrar Office,
Sullur,
Coimbatore District.

3.Sri Sudha Traders,
Rep. by its Proprietor, Ramesh,
Bogguline,
Nandyal R.S.,
Kurnool District,
Andra Pradesh.

4.Neravati Ananda Gupta,
S/o.Krsihna Murthy,
Sole Proprietor of Lakshmi Cotton Industries,
Cotton Merchants,
No.30-420, Bogguline,
Vivekananda Street,
Noonepalli,
Nandiyal Town and Mandal,
Kurnool District,
Andra pradesh.

(R3 & R4 impleaded as per order made in
W.M.P.No.22749 of 2020 in W.P.No.16635 of 2020
on 11.12.2020)

... Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 2nd respondent in refusal number:RFL/SULUR/2/2020 dated 20.10.2020 quash the same and consequently direct the 2nd respondent to register the petitioner's sale agreement dated 17.10.2020.

For Petitioner : Mr.D.R.Arun Kumar

For Respondents : Mr.T.M.Pappiah (for R1 & R2)
Special Government Pleader

ORDER

This Writ Petition has been filed challenging the impugned order issued by the second respondent dated 20.10.2020 and for the consequential direction to the second respondent to register the agreement of sale dated 17.10.2020 presented by the petitioner.

2.The case of the petitioner is that she is the absolute owner of the subject property. The further case of the petitioner is that there was a dispute that was pending in O.S.No.53 of 2018 as against the other legal heirs and the same resulted in a compromise decree passed on 03.03.2018. Subsequently, the sister of the petitioner wanted to register the decree and the same was refused by the second respondent by proceedings dated 14.12.2018. Therefore, a Writ Petition was filed before this Court in W.P.No.7497 of 2019 and this Court passed an order on 26.04.2019, directing the second respondent to register the decree on 03.03.2018. Pursuant to the said order, the decree came to be registered as Document No.6352 of 2019.

3.The petitioner entered into an agreement of sale with one Chinnasamy on 16.03.2020. When the same was presented for registration before the second respondent, the second respondent again quoted the same reason, that was made as a subject matter of challenge in the earlier Writ Petition in W.P.No.7497 of 2019 and was set aside by this Court and consequently, the impugned check slip came to be issued. Aggrieved by the same, the present Writ Petition has been filed before this Court.

4.Heard Mr.D.R.Arun Kumar, learned counsel for the petitioner and Mr.T.M.Pappiah, learned Special Government Pleader appearing for the respondents 1 and 2.

5.It is clear from the records that the second respondent had refused to register the compromise decree which was passed in O.S.No.53 of 2018 only on the ground that there is an order of attachment passed by the Civil Court and hence, no document can be registered. This Court after discussing the entire law on the issue was pleased to allow the Writ Petition and directed the second respondent to register the decree. The second respondent again relied upon the same attachment order and refused to register the agreement of sale presented by the petitioner.

6.In the considered view of this Court, the same reasoning that was given by this Court in the earlier order passed in W.P.No.7497 of 2019 will apply to the present case also. Therefore this Court is inclined to interfere into the impugned refusal check slip issued by the second respondent and accordingly, the same is quashed.

7.The second respondent is directed to register the agreement of sale dated 17.10.2020, if it is otherwise in order and subject to the payment of necessary stamp duty and registration fees.

8.This Writ Petition is allowed with the above directions and W.M.P.No.22749 of 2020 is ordered. No costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

sai

To

1.The District Registrar,
Coimbatore District.

2.The Sub Registrar,
Sub Registrar Office,
Sullur, Coimbatore District.

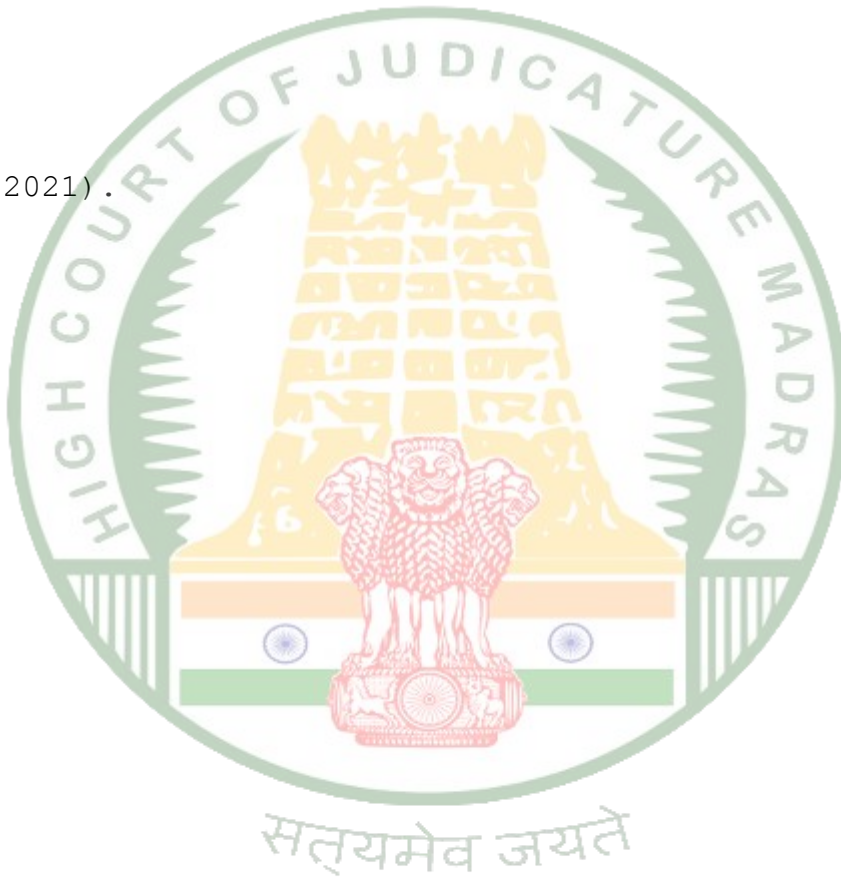
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+1CC to Mr. D.R. Arun Kumar, Advocate , SR. 40504.

+1CC to The Government Pleader, High Court, Madras, SR. 40677.

W.P.No.16635 of 2020
and
W.M.P.No.22749 of 2020

EV (CO)
NRA (04/02/2021) .



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