

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2020

CORAM :

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.437 of 2017

E.Raja

...Petitioner

Vs.

1.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai - 28.

2.The District Registrar,
Salem West Registration District,
Salem.

3.The Salem West Joint - 1 Sub Registrar,
Salem West, Salem.

4.R.Veerappan

5.Meenakshi

...Respondents

Petition filed under Article 226 of the Constitution of India for issuing a writ of mandamus directing the respondents 1 & 2 to conduct due enquiry on the respondents 4 & 5 with respect of the issue regarding whether the respondents 4 & 5 were paid consideration amount for executing the Sale Deed dated 17.11.2016 on the file of the 3rd respondent.

For Petitioner : Ms.Revathy for M/s.R.Nalliyappan

For Respondents : Mr.P.P.Purushothaman,
Government Advocate (R1 to R3)

O R D E R

The petitioner has filed the above Writ Petition to issue a Writ of Mandamus directing the respondents 1 & 2 to conduct enquiry on the respondents 4 & 5 with respect to the issue regarding whether the respondents 4 & 5 have paid the sale consideration amount for executing the Sale Deed dated 17.11.2016 on the file of the 3rd respondent.

2.On a perusal of the Sale Deed dated 17.11.2016, which is annexed in the typed set of papers, it could be seen that the petitioner himself had admitted that he received the entire Sale Consideration of Rs.30 lakhs from the respondents 4 & 5. The said Sale Deed was presented for registration before the 3rd respondent, however, the same has not yet been registered for want of proper Stamp Duty. When the petitioner had admitted that he had received the entire Sale Consideration, he cannot set up a new case in the Writ Petition stating that he has not received the Sale Consideration. That apart, the issue involved in the Writ Petition is a matter for evidence, which cannot be decided under Article 226 of the Constitution.

3.In such view of the matter, I am not inclined to entertain the Writ Petition. Accordingly, the Writ Petition is dismissed. No costs.

Sd/-
Assistant Registrar (CS-II)

// True Copy//

Sub Assistant Registrar

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To

1.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai - 28.

2.The District Registrar,
Salem West Registration District,
Salem.

3.The Salem West Joint - 1 Sub Registrar,
Salem West, Salem.

+1cc to Government Pleader, SR.No.36752

SVI (CO)
KKV/11/12/2020

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