

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.09.2020

CORAM :

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.15748 of 2017

T. Sathish Kumar

... Petitioner

v.

1. The District Registrar,
Villupuram.

2. The Sub Registrar,
Vallavanur,
Villupuram.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuing a Writ of Mandamus, directing the 2nd respondent to return the original sale deed registered on 18.12.2014 as Doc.No.15699 of 2014 on the file of the 2nd respondent to the petitioner in the light of the petitioner's representation dated 04.05.2017.

For Petitioner : Mr. Arun Kumar
for Mr. K.S. Karthik Raja

For Respondents : Mr. B. Kannan,
Government Advocate

O R D E R

The petitioner has filed the above Writ Petition to issue a Writ of Mandamus, directing the 2nd respondent to return the original sale deed registered on 18.12.2014 as Document No.15699 of 2014 on the file of the 2nd respondent to the petitioner in the light of the petitioner's representation dated 04.05.2017.

2. Mr. B. Kannan, learned Government Advocate appearing for the respondents submitted that the 2nd respondent has not registered the sale deed dated 18.12.2014 though it was presented for registration and assigned Pending Document in P.No.12 of 2014 for the reason that the petitioner father's vendor's title is in dispute and a civil suit is pending between the co-sharers. The learned Government Advocate

further submitted that when the petitioner father's vendor's title has not been declared by a competent Civil Court, the 2nd respondent has not registered the sale deed presented by the petitioner.

3. Mr. Arun Kumar, learned counsel appearing for the petitioner submitted that the 2nd respondent may be directed to register the sale deed after a finality is reached in the civil dispute between the petitioner father's vendor and other co-sharers.

4. Since the petitioner father's vendor's title itself is in dispute, the purchase made by the petitioner's father cannot hold good unless the petitioner's father title is declared by a competent Civil Court.

5. In such view of the matter, the 2nd respondent is perfectly right in not registering the document during the pendency of the civil dispute between the parties. In these circumstances, I am not inclined to entertain the Writ Petition. Accordingly, the Writ Petition is dismissed. However, in the event of the petitioner father's vendor's title is declared by a competent Civil Court, the petitioner may present the document for registration and the 2nd respondent may register the document, if it is otherwise in order. No costs.

Sd/-

Assistant Registrar(CS-IV)

//True copy//

Sub Assistant Registrar

Rj

To

1. The District Registrar,
Villupuram.

2. The Sub Registrar,
Vallavanur,
Villupuram.

W.P.No.15748 of 2017

SS(CO)
GMY(28/10/2020)