



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE **D.KRISHNAKUMAR**

W.P. (MD)No.8363 of 2020

and

WMP (MD)No.7771 of 2020

WEB COPY

C.Deenathayalapandian

... Petitioner

Vs.

1.The Sub-Registrar,
Sayalkudi Mookaiyur Road,
Sayalkudi,
Ramanathapuram - 623 120.

2.M.Sudalaiyandi

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the first respondent to register the sale deed, dated 20 July 2020 executed by the second respondent in favour of the petitioner relating to 1 acre and 80 cents (2.70.00 hectares) of land in the Eastern portion bearing Survey.No.87/1 situated at Kannirajapuram Village, Kadaladi Taluk, Ramanathapuram District, within such time as may be fixed by this Hon'ble Court.

For Petitioner : Mr.V.Ramakrishnan
Senior Counsel
for Mr.K.Saravanan

For R1 : Mr.V.Anand
Government Advocate

For R2 : Mr.S.Sivathilakar

ORDER

This Writ Petition is filed to direct the first respondent to register the sale deed, dated 20 July 2020, executed by the second respondent, in favour of the petitioner relating to 1 acre and 80 cents of land in the Eastern portion of 2.70.00 hectares, bearing Survey.No.87/1 situated at Kannirajapuram Village, Kadaladi Taluk, Ramanathapuram District..

2.Heard Mr.K.Saravanan, learned counsel appearing for the petitioner, Mr.V.Anand, learned Government Advocate appearing for the first respondent and Mr.S.Sivathilakar, learned counsel appearing for the second respondent.



3. According to the petitioner, originally the petition mentioned property belonged to the father of the second respondent viz., R.Muthu Nadar and after the demise of the said Muthu Nadar, the second respondent and his brother are jointly in possession and enjoyment of the said property. The said properties were partitioned by an oral partition between themselves. Pursuant to which, the petitioner is the absolute owner of the petition mentioned property. Therefore, the second respondent was willing to sell the said property to the petitioner for valid consideration and the second respondent has executed a sale deed. Thereafter, the petitioner presented the said sale deed for registration before the first respondent through on-line. However, the first respondent refused to register the said sale deed stating that the second respondent did not produce the original sale deed dated 24th January 1945. The second respondent informed the first respondent that the original sale deed was lost. The second respondent issued a paper publication reporting the loss of original sale deed and also gave a police complaint reporting the loss of original sale deed in C.S.R.No.132/2020. Thereafter, the second respondent approached the first respondent to register the said document. Since the first respondent refused to register the same, the petitioner is before this Court.

4. The learned counsel appearing for the petitioner submitted that the petitioner presented the sale deed before the Sub Registrar, Sayalkudi, but the Sub Registrar, refused to register the same on the ground that the original sale deed was not produced. He further submitted that the said original sale deed was lost by the second respondent and in this regard he has made a paper publication and also gave a police complaint in C.S.R.No.132/2020. Thereafter also, the first respondent has refused to register the said document. Hence, he prays for the aforesaid relief in the writ petition.

5. According to the learned counsel appearing for the petitioner, a third party has filed a writ petition in W.P.(MD). No.8220 of 2020 before this Court and the said writ petition was disposed of by directing the authorities to consider the objections of the rival claimants.

6. The learned Government Advocate appearing for the first respondent submitted that the petitioner has to comply with all the requirements under the Tamil Nadu Registration Manual Act as well as the guidelines issued by the Government for registering the said document.

7. The learned counsel appearing for the second respondent, who is being the vendor of the sale deed, has no objection to the registration of the said document in favour of the petitioner.



8. In view of the submissions made on either side and by consent of parties, this Court is inclined to pass the following orders:

(i) both parties shall appear before the first respondent on 13.08.2020.

(ii) the first respondent shall consider the submission of the petitioner and pass appropriate orders, in the light of the order passed by this Court in W.P(MD)No.8220 of 2020 dated 04.08.2020.

9. With the above directions, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vsd/Ns

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

The Sub-Registrar,
Sayalkudi Mookaiyur Road,
Sayalkudi,
Ramanathapuram - 623 120.

+1 CC to SPL GP (SR-13726[F] dated 06/08/2020)

W.P. (MD)No.8363 of 2020
and
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VB (14.08.2020) 3P 3C