



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.02.2020

CORAM

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

W.P. (MD)No.3503 of 2016 and

W.M.P. (MD)No.3105 of 2016

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K.Velu

... Petitioner

vs.

1.The Sub Registrar,
Arasaradi Sub Registrar Office,
Arasaradi, Madurai.

2.T.Swaminathan
3.R.V.Vadivelpillai
4.R.V.Logendran
5.L.Yuvaraj
6.R.Kasi Vishwanathan

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to forbear the first respondent from registering and releasing any document registered with respect to land comprised in Ayan S.No.10/3, R.S.No.10/3A at Ponmeni Village, Madurai South Taluk, Madurai Arasaradi Sub-Registrar Office, Madurai South Registration District, Madurai District.

For Petitioners	:Mr.S.Malaikani
For R1	:Mr.M.Murugan Government Advocate
For R2	:Mr.N.Satheesh Kumar

O R D E R

This Writ Petition is filed for issuing a Writ of Mandamus for forbearing the first respondent from registering and releasing any document registered with respect to the land comprised in Ayan S.No.10/3, R.S.No.10/3A at Ponmeni Village, Madurai South Taluk, Madurai Arasaradi Sub-Registrar Office, Madurai South Registration District, Madurai District.

2.The petitioner stated that he is a power of attorney agent for respondents 3 to 6 and that the power of attorney deed was also registered. It is the case of the petitioner that he has entered into a sale agreement with his principals and that therefore he has paid substantial amount by way of part of sale consideration. Stating that the respondents 3 to 6 have made an attempt to sell the



property to the second respondent, the petitioner has approached this Court, after submitting a representation to the first respondent.

3.Except Section 22(A) of the Registration Act, the registrar, while exercising or performing the functions under the provisions, is not conferred with any power to refuse to register a document on the basis of objection raised by any individual. Except a complaint, which is in relation to the identity of persons, who execute a particular document of conveyance, there is no scope for any enquiry by the registering authority on the objection raised by a third party. In the present case, the petitioner stated that he is holding a valid agreement of sale, dated 15.10.2007. The petitioner has also produced before this Court, the copy of the said sale agreement, dated 15.10.2007.

4.In the present case, the title of respondents 3 to 6 is not in dispute. The petitioner, who has entered into an agreement in 2007, is entitled to seek specific performance of the agreement of sale within three years from the date of cause of action, ie., the date of agreement or from the date, on which the time given for performance expire. The sale agreement does not create any right in immovable property in favour of the agreement holder. Even assuming that the petitioner is having a valid agreement of sale, his right is to seek specific performance of contract and not by approaching the registering authority not to allow any other transaction in relation to the property, in respect of which the petitioner has entered into an agreement of sale.

5.The contention of the petitioner that the respondents 3 to 6 have no right to deal with the property cannot be countenanced at this stage. When the petitioner himself has not approached the Civil Court for appropriate relief and the time for specific performance has also expired, this Court do not find any merit in the present Writ Petition to forbear the registering officer from registering any document of conveyance in respect of the petition mentioned property. Therefore, the Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS II)

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/ /2020

Sub Assistant Registrar(CS)



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To

The Sub Registrar,
Arasaradi Sub Registrar Office,
Arasaradi, Madurai.

+1 CC to M/s.N.SATHEESH KUMAR, Advocate (SR-7373[F] dated 20/02/2020)

+1 CC to M/s.SPL.GP (SR-7269[F] dated 20/02/2020)

+1 CC to M/s.S.MALAIKANI, Advocate (SR-7334[F] dated 20/02/2020)

W.P. (MD) No. 3503 of 2016
19.02.2020

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