

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2021

CORAM

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

W.P.No.1094 of 2021

Mrs.S.Senthamarai

.. Petitioner

Vs.

1.The Inspector General of Registration,
Santhome,
Chennai-600 028

2.The District Registrar,
Vellore District, Vellore.

3.The Sub-Registrar,
Office of the Sub-Registrar,
Jolarpet, Tirupattur District.

.. Respondents

Petition filed under Article 226 of The Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 2 & 3 herein to receive the draft Sale Deed document dated 28.12.2020 and register the same in favour of the petitioner herein.

For Petitioner .. Mr.R.Ramesh

For Respondents .. Mr.T.M.Pappiah, Spl.G.P. for RR1 to 3

ORDER

This petition has been filed by the petitioner seeking for a direction to the respondents 2 & 3 herein to receive the draft Sale Deed document dated 28.12.2020 and to register the same in favour of the petitioner herein.

2.Heard, Mr.R.Ramesh, learned counsel for the petitioner and Mr.T.M.Pappiah, learned Special Government Pleader for the respondents 1 to 3.

3.The learned Special Government Pleader for the respondents has made a statement on instructions, that the petitioner may have to produce the original Sale Deed for registration where upon, the authorities can apply their mind and register the document as per the provisions of the Registration Act. He also pointed out before this Court that even as per the prayer sought, only a draft Sale Deed is presented for registration.

4.The learned counsel for the petitioner now submits that while the lands involved in the Sale Deed are agricultural lands, the Sub Registrar concerned wants to alter the classification, it is where the dispute arose. The Sub Registrar is required to make a preliminary enquiry under Section 34 of the Act and if there is a dispute as to the classification, which will enable the Sub-Registrar to ascertain the stamp duty payable on the property. The petitioner will also produce necessary revenue records or the other materials to show the current status of the property.

5.The petitioner now undertakes to produce the original Sale Deed for registration within a period of 15 days from the date of receipt of a copy of this order where upon, the Sub-Registrar concerned is required to register the document strictly in accordance with the provisions of the Registration Act and the Rules framed there in.

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6.The Writ Petition is disposed of accordingly. No costs.

10.02.2021

Index:Yes/No

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To

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N.SESHASAYEE.J.,

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