



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2021

CORAM

THE HON'BLE Mr. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.12891 of 2013

R.Rajan

...Petitioner

Vs.

1.The District Registrar
Coimbatore Registration District
Coimbatore.

2.The Sub Registrar
Sulur Taluk
Coimbatore District.

...Respondents

Prayer :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a writ of mandamus to direct the 2nd respondent to return the sale deed which was registered on 26.11.2012 in P.No.177 of 2012 before the 2nd Respondent between the petitioner one Manikam, and Kamakshi Saroja in respect of the property bearing Palladam Taluk Rasipuram Village Survey No.367/2, 367/5, 368 with an extent of 0.73.0 Hectare, 0.11.0 Hectare, 3.56.58 Hectare with 2/3 share path way and well, Pumpset.

For Petitioner : Mr.D.Rajagopal

For Respondents : Mr.R.Neelakandan,
Government Advocate

ORDER

This Writ Petition is filed for a mandamus directing the 2nd respondent to return the sale deed which was registered on 26.11.2012 in P.No.177 of 2012 between the petitioner and one Manikam, Kamakshi and Saroja in respect of the property bearing Palladam Taluk Rasipuram Village Survey No.367/2, 367/5, 368 with an extent of 0.73.0 Hectare, 0.11.0 Hectare, 3.56.58 Hectare with 2/3 share pathway, well and Pumpset.

2.The case of the petitioner is that he entered into an agreement for sale dated 18.03.2011 with one Manikam, Kamakshi and Saroja in respect of the subject property. However, the said Kamakshi and Saroja did not perform their part to execute the



sale deed. Therefore, on the strength of the agreement for sale, the petitioner along with one Manikam filed a suit in O.S.No.1 of 2012 before the II Additional District Court (FTC No.V), Tiruppur, for specific performance. It was decreed in favour of the petitioner and the petitioner was directed to pay the balance sale consideration and the above stated persons were directed to execute the sale deed in favour of the petitioner. Accordingly, the balance sale consideration was paid by the petitioner and the sale deed was presented for registration. However, the sale deed dated 26.11.2012 was kept pending in P.No.177 of 2012 on the file of the 2nd respondent. In the meantime, the petitioner has preferred this Writ Petition.

3. Pending Writ Petition, two persons, viz., Mohankumar and Ramasamy filed a petition in M.P.No.1 of 2013 to implead them as respondents in the present Writ Petition, stating that the subject property was belonging to them. It is further stated in the impleading petition that the writ petitioner and the persons, who entered into an agreement for sale, viz., Kamakshi and Saroja, created the agreement for sale as if they are the owners of the property and the writ petitioner and Manikam have filed a collusive suit and got the decree in their favour. On the strength of the said Judgment and Decree, they also executed the sale deed in favour of the writ petitioner and presented the sale deed for registration before the 2nd respondent herein.

4. The 2nd respondent kept the sale deed pending for production of the copy of the patta, chitta and adangal along with title deed for the subject property. Therefore, it is crystal clear that the petitioner and Manikam collusively filed a suit and obtained a decree in their favour. On the strength of the same, they executed the sale deed without any title over the property. If at all they had title over the property, they would have produced patta, chitta, adangal and parent title deeds to prove their possession and the title over the property. As per the circular issued by the Inspector General of Registration dated 25.04.2012 in I.A.No.339/C1/2012, a vendor has to produce the copy of the patta, chitta, adangal and parent document of the property, so that the Sub-Registrar concerned can verify those documents and register the same. Therefore, the prayer sought in this Writ Petition cannot be considered and the 2nd respondent has rightly kept the matter as a pending document. Hence, the Writ Petition is devoid of merits and is liable to be dismissed.

5. In view of the above, this Writ Petition stands dismissed. No costs. However, the petitioner is at liberty, to produce the required documents in respect of the subject property, before the 2nd respondent and in such an event, the 2nd respondent can verify the same and proceed in accordance with law, after



sending notice to the original owners of the property.
Consequently connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1.The District Registrar
Coimbatore Registration District
Coimbatore.

2.The Sub Registrar
Sulur Taluk
Coimbatore District.

+1cc to the Government Pleader, S.R.No.39448

WP.No.12891 of 2013

PCH(CO)
CT(13/09/2021)