



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.03.2021

CORAM: JUSTICE N.SESHASAYEE

WP.No.5745 of 2021

Mr.A.Benny Hedson

...Petitioner

-Vs-

The Sub Registrar,
Konnur Sub-Registration Office,
Villivakkam Panchayat Union Office Complex,
Kamarajapuram, Ambattur,
Chennai,
Tamilnadu-600 053

...Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to register and release the construction agreement bearing document no.R/Konnur/Book-1/338/2021 and Sale Deed bearing pending document no.P/Konnur/17/2021 both dated 25.01.2021, pending on the file of the respondent.

For Petitioner : Mr.P.Srinivasan

For Respondent : Mr.T.M.Pappiah, Spl.G.P.

ORDER

This Writ Petition is filed by the petitioner seeking a direction to the respondent to register and release the Construction Agreement bearing document no.R/Konnur/Book-1/338/2021 and Sale Deed bearing pending document no.P/Konnur/17/2021 both are dated 25.01.2021, pending on the file of the respondent.

2.The petitioner has presented a sale deed dated 25.01.2021 for registration. What is intended to be sold is the undivided share of land measuring an extent of 733 sq.feet described in Schedule 'C' of the said sale deed. This document was not registered by the registering authorities and hence the Writ Petition.

3.Mr.T.M.Pappiah, learned Special Government Pleader takes notice for the respondents and stated that the Sub-Registrar has made a communication to the District Registrar to obtain a clarification regarding the character of the property.



4. The learned counsel for the petitioner submitted that both the sale deed along with a construction agreement were presented for registration. Whereas, the construction agreement was registered by the Sub Registrar, but the sale deed was not registered.

5. This Court carefully perused the entire Sale Deed and satisfied what is sought to be registered is only a Sale Deed pertaining to undivided share measuring an extent of 733 sq. feet as described in 'C' schedule. Inasmuch as the sale deed purports to deal only with undivided share, it hardly requires a clarification to be obtained by the Sub Registrar from the District Registrar, since there is no ambiguity on the face of it.

6. This Court therefore, directs the Sub-Registrar to register the said sale deed, if it is otherwise registrable, and release both the sale deed and the construction agreement if there is no case for impounding them, preferably within a period of three weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (CS III)

//True Copy//

Sub Assistant Registrar

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To

The Sub Registrar,
Konnur Sub-Registration Office,
Villivakkam Panchayat Union Office Complex,
Kamarajapuram, Ambattur,
Chennai,
Tamilnadu-600 053

+1cc to Mr. P. Srinivasan, Advocate, S.R.No.18805

+1cc to the Government Pleader, S.R.No.19359

Order made in
W.P.No.5745 of 2021

PL (CO)
KM(26/04/2021)