



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.03.2021

CORAM

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

W.P.No.7574 of 2021

and

W.M.P.No.8090 of 2021

WEB COPY

1.Harpreet Singh Anand,
S/o. Khem Singh Anand

2.Chitra Solomon,
W/o.Solomon Gnana Suthagar

... Petitioners

Vs.

1.District Registrar,
No.102, State Bank Road,
Opp. to Railway Police Station,
Gandhipuram.

2.Sub-Registrar,
Office of the Sub-Registrar,
Gandhipuram,
Coimbatore.

... Respondents

Prayer: Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned Refusal Check Slip dated 04.01.2021, bearing Refusal Number RFL/Gandhipuram/1/2021 issued by the second respondent, refusing to register the Sale Deed dated 28.12.2020 executed by the second petitioner in favour of the first petitioner and quash the same and consequently, directing the second respondent to register the Sale Deed dated 28.12.2020 executed by the second petitioner in favour of the first petitioner with effect from 04.01.2021.

For Petitioner : Mr.K.R.Arun Shabari

For Respondents: Mr.T.M.Paapaiah

Special Government Pleader

ORDER

This writ petition is filed for issuances of the Writ of Certiorarified Mandamus, calling for the records of the impugned Refusal Check Slip dated 04.01.2021, bearing Refusal Number RFL/Gandhipuram/1/2021 issued by the second respondent, refusing to register the Sale Deed dated 28.12.2020 executed by the second petitioner in favour of the first petitioner and



quash the same and consequently, directing the second respondent to register the Sale Deed dated 28.12.2020 executed by the second petitioner in favour of the first petitioner with effect from 04.01.2021.

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2.It is not necessary to go into the facts in detail, having regard to the issue arisen for consideration. It is stated that the second petitioner executed a sale deed dated 28.12.2020 in favour of the first petitioner and the said document was presented before the second respondent for registration. The second respondent by the impugned order refused to register the same on the short ground that there was a sale agreement earlier with others and that the subsequent sale deed cannot be registered without cancelling the sale agreement.

3.It is well settled that a sale agreement does not create any right in respect of immovable property in favour of the agreement holder. Merely because a prior sale agreement had been executed, the subsequent sale deed executed by the owner of the property cannot be treated as illegal. The Registrar has no authority or power to insist for cancellation of agreement of sale that involves the participation of others.

4.In such circumstances, this Court is of the view that the impugned order dated 04.01.2021 is liable to be quashed. Accordingly, the writ petition is allowed and the second respondent is directed to register the sale deed dated 28.12.2020 executed by the second petitioner in favour of the first petitioner after collecting necessary stamps and registration charges by following the process of law within a period of 8 weeks from the date of receipt of copy of this order. No Costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

tta
To

1.The District Registrar,
No.102, State Bank Road,
Opp. to Railway Police Station,Gandhipuram.

2.The Sub-Registrar,
Office of the Sub-Registrar,
Gandhipuram,Coimbatore.

+1cc to Mr.K.R.Arun Shabari,Advocate SR.No. 18912

+1 cc to Government Pleader Sr.No. 19723

W.P.No.7574 of 2021

GPL (CO)

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B.VC(23.07.2021)