

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.03.2021

CORAM: JUSTICE N.SESHASAYEE

WP.No.6258 of 2021

Thangaraj

...Petitioner

-Vs-

1.The Sub-Registrar,
Sulur,
Coimbatore District.

2.P.Augustine

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the entire records relaing to the Impugned check slip dated 25.01.2021 in RFL/Sulur/01/2021 on the file of the 1st Respondent herein and quash the same and consequently direct the 1st Respondent to register the Settlement Deed dated 25.01.2021 presented by the petitioner herein.

For Petitioner : Mr.L.Mouli
For R1 : Mr.T.M.Pappiah
Special Government Pleader

ORDER

This Writ Petition is filed for a writ of Mandamus, to call for the entire records relating to the impugned check slip dated 25.01.2021 in RFL/Sulur/01/2021 on the file of the 1st Respondent herein, and quash the same and consequently direct the 1st Respondent to register the Settlement Deed dated 25.01.2021 presented by the petitioner herein.

2.The petitioner claims that he has executed a settlement deed pertaining to his house property measuring 2410 sq.ft., in S.No.236/1B of Kaniyur Village, Sulur, Coimbatore District, in favour of his daughter on 25.01.2021, and when the same was presented for registration on the same day, it was refused by the first respondent, on the ground that the sale agreement dated 04.05.2015 is pending. The petitioner has averred that the second respondent, the intended purchaser under the said sale agreement was not ready to perform his part of the contract, and hence, the petitioner

issued a notice to the purchaser and rescinded the said contract. The learned counsel for the petitioner submits that the check slip dated 25.01.2021 runs counter to the ratio of the Judgment of the Division Bench of this Court in N.Ramayee Vs. Sub Registrar [(2020) 8 MLJ 305].

3.Heard Mr.T.M.Pappiah, learned Special Government Pleader for the respondent.

4.The issue is no more res integra, and answered by the Division Bench of this Court in Ramayee case. Answering the reference pointedly, the Division Bench in paragraph No.37 states :

"37. If an agreement for sale is registered in respect of immovable property, the same will not be a bar for the owner of the property to effect subsequent transfers in respect of the same property. The Registrar has no right to refuse to register the document except the documents relating to immovable properties mentioned in Section 22-A of the Tamil Nadu Act and as contemplated under Rule 162 of the Registration Rules."

The Sub Registrar/first respondent is now required to register the document consistent with the ratio of the judgment of the Division Bench of this Court in N.Ramayee Vs. Sub Registrar [(2020) 8 MLJ 305].

5.The Writ Petition is allowed. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

Tsg/ds
To

The Sub-Registrar,
Sulur,
Coimbatore District.

+1cc to Mr.L.Mouli, Advocate SR.No. 15255
+1 cc to Government Pleader Sr.No. 16701

W.P.No.6258 of 2021

RSV co
A.SK(11.06.2021)