

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.03.2021

CORAM: JUSTICE N.SESHASAYEE

WP.No.6257 of 2021

Padmavathi

...Petitioner

-Vs-

The Sub Registrar,
Sub-Registrar Office,
Palladam - 641 664,
Tiruppur District.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the Respondent herein pertaining to the order refusing registration dated 04.09.2020 made in Refusal No.22/2020 and quash the same and further direct the Respondent herein to register the Settlement deed dated 20.05.2020 in respect of the Petitioner's properties consisting of a vacant site with an extent of 1014 (26x39) sq.ft and the house with asbestos sheet roof in an area of 594 sq.ft over the land with an extent of 1444(38x38) sq.ft. comprised in S.F.No.252/2 with total land area of 2458 sq.ft. of Karadivavi Village, Palladam Taluk, Tirupur District.

For Petitioner : Mr.P.M.Duraiswamy

For Respondent : Mr.T.M.Pappiah

Special Government Pleader

ORDER

This Writ Petition is filed for a writ of Mandamus, calling for the records of the Respondent herein pertaining to the order refusing registration dated 04.09.2020 made in the check slip No.22/2020 and quash the same, and further direct the Respondent herein to register the Settlement deed dated 20.05.2020 in respect of the Petitioner's properties consisting of a vacant site with an extent of 1014 (26x39) sq.ft and the house with asbestos sheet roof in an area of 594 sq.ft over the land with an extent of 1444(38x38) sq.ft. comprised in S.F.No.252/2 with total land area of 2458 sq.ft. of Karadivavi Village, Palladam Taluk, Tirupur District.

2.The petitioner has executed a settlement deed dated 20.05.2020, and when the same was presented for registration, it was refused on the ground that there was a sale agreement registered earlier, and was still pending and the same was not cancelled. The petitioner would aver that the said sale agreement was executed in 2011 by her Power of Attorney, and

the said power of attorney so constituted, died on 01.12.2016 and subsequently, the power of attorney too was cancelled by her. The learned counsel for the petitioner submits that the check slip dated 04.09.2020 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/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,
Sub-Registrar Office,
Palladam - 641 664,
Tiruppur District.

+1cc to Mr.P.M.Duraisamy, Advocate SR.No. 15957

+1 cc to Government Pleader Sr.No. 16700

W.P.No.6257 of 2021

A.SK(11.06.2021)