

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.03.2021

CORAM: JUSTICE N.SESHASAYEE

W.P.No.6763 of 2021

P.Kasthuri

...Petitioner

-Vs-

1.The District Registrar,
Office of the District Registrar,
Cuddalore.

2.The Sub Registrar,
Office of the Sub Registrar,
Nellikuppam,
Nellikuppam Main Road,
Cuddalore.

...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 records of the impugned check slip Ref.Num.RFL/Nellikuppam/22/2021 dated 26.02.2021 issued by the second respondent herein and quash the same and consequently, direct the second respondent herein to receive and register the sale agreement dated 26.02.2021 executed by the petitioner herein through her power agent M.Vijaya with respect to the property which is the subject matter of sale deed dated 21.06.2012 in Doc No.2016 of 2012, on the file of the second respondent.

For Petitioner : Mr.D.Ravichander
For Respondents : Mr.T.M.Pappiah,
SGP for RR1 and 2

ORDER

This Writ Petition is filed for a Certiorarified Mandamus, to call for the records of the impugned check slip Ref.Num.RFL/Nellikuppam/22/2021 dated 26.02.2021 issued by the second respondent herein and quash the same and consequently, direct the second respondent herein to receive and register the sale agreement dated 26.02.2021 executed by the petitioner herein through her power agent M.Vijaya with respect to the property which is the subject matter of sale deed dated 21.06.2012 in Doc No.2016 of 2012, on the file of the second respondent.

2.The learned counsel for the petitioner submits that the sale agreement which the petitioner has entered into with the third party is refused to be registered by the Sub Registrar /2nd respondent herein based on the order of interim injunction passed in I.P.No.3 of 2012.

3.The learned counsel submitted that I.P.No.3 of 2012 was instituted by one Sokkalingam and Radha who adjudicated themselves as insolvents under Section 10 of the Provincial Insolvency Act, 1920, in which, the present petitioner is arrayed as 25th respondent. He submitted that the said petition is since been dismissed for default on 09.02.2018, the order of interim injunction also died on its own along with it.

4.The learned counsel also submitted that despite presenting these facts to the Sub Registrar concerned, he was adamant in not to register the sale agreement, based on the earlier interim injunction passed in the said I.P.No.3 of 2012.

5. The learned counsel further submitted that he is now willing to present the certified copy of the order passed in I.P.No.3 of 2012, to facilitate the Sub Registrar to understand his jurisdiction, even though in terms of the ratio laid down in the case of N.Ramayee Vs. Sub Registrar [(2020) 8 MLJ 305], it is not required.

6.Heard Mr.T.M.Pappiah, learned Special Government Pleader appearing for the respondents. He submitted that there are no suits pending, necessarily the Sub Registrar has to register the document and also in all fairness, he agreed about the judgment delivered by this Court in the case of N.Ramayee Vs. Sub Registrar [(2020) 8 MLJ 305].

7.Now the petitioner is required to present her sale agreement in question along with the certified copy of I.P.No.3 of 2012 on the file of the Principal District Court, Cuddalore as she has promised, before the Sub Registrar and as and when it is so made, the Sub Registrar is required to apply his mind to the same and hold such enquiry within the meaning of Section 34 of the Registration Act and proceed to register the document in terms of the ratio laid down in the case of N.Ramayee Vs. Sub Registrar [(2020) 8 MLJ 305].

8.This writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

gsk

To

1.The District Registrar,

Office of the District Registrar, Cuddalore.

2.The Sub Registrar,

Office of the Sub Registrar,

Nellikuppam,Nellikuppam Main Road,Cuddalore.

+1cc to Mr. D.Ravichander, Advocate SR.No. 17109

+1 cc to Government Pleader Sr.No. 17731

W.P.No.6763 of 2021

UM (CO)

<https://hcservices.ecourts.gov.in/hcservices/>

A.SK(13.07.2021)