



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2021

CORAM:

THE HON'BLE MRS. JUSTICE V. BHAVANI SUBBAROYAN

W.P.No.11697 of 2019

N.Sivakumar

...Petitioner

Versus

The Sub-Registrar,
Gandhipuram Sub-Registrar's Office,
Coimbatore.

...Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondent to consider the petitioner's representation dated 04.02.2019 and consequently, to direct the respondent to deliver the original Sale Deed dated 05.06.2007 registered as Document No.36 of 2007 on the file of SRO, Gandhipuram, Coimbatore to the petitioner.

For Petitioner : Mr.C.Mohanraj

For Respondents : Mr.V.Veluchamy
Government Advocate

ORDER

This writ petition has been filed seeking for a direction to the respondent to consider the petitioner's representation dated 04.02.2019 and consequently, to direct the respondent to deliver the original sale deed dated 05.06.2007 registered as Document No.36 of 2007 on the file of Sub Registrar Office, Gandhipuram, Coimbatore.

2. According to the petitioner, the properties situated at Kalapatti Village, Coimbatore District, comprised in S.No.905/1 measuring to an extent of 4 acres 95 cents, have been purchased by him with his friends through vide Document No.36 of 2007 on the file of Sub Registrar Office, Gandhipuram and continuously, they are in possession and enjoyment of the properties. Further, the petitioner's friends executed a Power of Attorney, which is registered as Doc.No.898/2008 dated 28.05.2008 on the file of Sub Registrar Office, Periyanaickenpalayam, in favour of



the petitioner to receive the original sale deed and to develop the properties and the said Power of Attorney is still in force. While so, the said sale deed is kept pending by the respondent without any valid reason. Despite of the petitioner's frantic visits the said document has not been handed over to the petitioner. Hence, the petitioner gave representations dated 18.07.2017 and 04.02.2019. Even thereafter, the said document has not been returned. Hence the present writ petition.

3. The learned counsel for the petitioner submitted that he has relied upon the provisions of Section 61(2) of the Registration Act, 1908 is extracted here under:

"The Registration of the document shall thereupon be deemed complete and the document shall then, be returned to the person who presented the same for registration or to such other person)if any) as he has nominate in writing in that behalf on the receipt mentioned in Section 52."

4. The learned Government Advocate appearing on behalf of the respondent filed a counter affidavit submitted that the sale deed in question is executed in favour of the petitioner along with three others was not registered. The petitioner and others have not produced the copy of the Patta to prove that the property is owned by the vendor of the petitioner. Since no title deed with the vendor, the same is kept pending for registration as P.No. 36 of 2007 on the file of Sub Registrar Office, Gandhipuram, Coimbatore, and issued a show cause notice dated 26.11.2015 in No.P.36/2007 to the vendor as well as the petitioner and his friends through registered post demanding production of computerized patta and the same was returned with an endorsement that "no such person available". Subsequently, the said sale deed was refused on 01.02.2016, for registration in Refusal No.5/2016 if Book II. The reason for refusal of registration was informed to the petitioner and his other friends including the vendor vide proceedings in D.Dis.No.52/2016 dated 01.02.2016, through RPAD, but the same was also returned with an endorsement "there is no such person available." Now, with regard to the petitioner's representation dated 04.02.2019, the respondent informed this office vide letter No.411/2019 dated 28.08.2019, stating that the reasons for not registering the documents along with the copies of the proceedings and he prayed for dismissal of this writ petition.

5. Heard both side and perused the records.

6. The learned counsel appearing for the petitioner submitted that the petitioner will be satisfied if a direction is issued to the respondent to consider the petitioner's



representation dated 04.02.2019 and dispose of the same within a stipulated time that may be framed by this Court.

7. Having regard to the limited scope of the prayer that is now sought for in this writ petition before this Court and taking into account the submissions made on either side, without expressing any opinion on the merits of the petitioner's representation or the case pleaded by the petitioner in the present writ petition, the Writ Petition is disposed of, with a direction to the respondent to consider the petitioner's representation dated 04.02.2019 and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioner and necessary parties concerned within a period of sixteen weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Deputy Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

gba

To

The Sub-Registrar,
Gandhipuram Sub-Registrar's Office,
Coimbatore.

+1cc to Mr.C.Mohanraj , Advocate, S.R.No.57064

W.P.No.11697 of 2019

PCH(CO)
CT 02/12/2021