



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2021

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.14271 of 2021

Gopalakrishnan

..Petitioner

Versus

1.The Sub-Registrar,
sivagiri,
Erode District.

2.Lakshmi

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the 1st respondent vide Refusal Check Slip dated 5.5.2021 refusing to register the sale deed dated 28.4.2021 presented by the petitioner for registration pertaining to the land to the extent of 96 cents in R.S.No.35/2, 35/2A and 35/2B and 3.70 Cents in R.S.No.35/4(Patta No.9) along with the 1/4th share in the well situated therein and another land to the extent of 87 cents and the land in 3.5 cents in the same survey field and in total 1.92.66 acres in Thanathampalayam village, Modakurichi Taluk, Erode District and quash the same and consequently direct the 1st respondent to register the above said sale deed dated 28.4.2021 without insisting for the production of original parent document in light of the order made by this Court in K.S.Vijayandran v. IG of Registration 2011(2) LW 648 within the time fixed by this Court.

For Petitioner : Mr.M.Karthik

For Respondents : Mr.Yogesh Kanndasan
Government Advocate for R1

Mr.V.R.Anna Gandhi for R2



O R D E R

This Writ Petition is filed to direct the authorities and to call for the records pertaining to the impugned order passed by the 1st respondent vide Refusal Check Slip dated 5.5.2021 refusing to register the sale deed dated 28.4.2021 presented by the petitioner for registration pertaining to the land to the extent of 96 cents in R.S.No.35/2, 35/2A and 35/2B and 3.70 Cents in R.S.No.35/4(Patta No.9) along with the 1/4th share in the well situated therein and another land to the extent of 87 cents and the land in 3.5 cents in the same survey field and in total 1.92.66 acres in Thanathampalayam village, Modakurichi Taluk, Erode District and quash the same and consequently direct the 1st respondent to register the above said sale deed dated 28.4.2021 without insisting for the production of original parent document in light of the order made by this Court in K.S.Vijayandran v. IG of Registration 2011(2) LW 648 within the time fixed by this Court.

2. The petitioner states that he has purchased a land to the extent of 96 cents in R.S.No.35/2, 35/2A and 35/2B and 3.70 cents in R.S.No.35/4(patta No.9) along with the 1/4th share in the well situated therein and another land to the extent of 87 cents and the land in 3.5 cents in the same survey field and in total 1.92.66 acres in Thanathampalayam village, Modakurichi Taluk, Erode District for a proper and valuable consideration of Rs.4,00,000/- from the 2nd respondent. In fact, the petitioner filed a suit for specific performance of sale agreement against the 2nd respondent in O.S.No.729/2020 on the file of the Subordinate Court, Erode based on the sale agreement and the same was settled on 5.2.2021 before the Lok Adalat, Erode and based on the settlement, the suit was decreed on 24.03.2021. The said decree was duly registered before the 1st respondent. As per the said decree, the 2nd respondent executed the sale deed in favour of the petitioner on 28.4.2021.

3. The learned counsel for the petitioner submitted that on 5.5.2021, the petitioner presented the said sale deed dated 28.4.2021 before the 1st respondent for registration by paying proper stamp duty of Rs.44,200/- for guideline value of Rs.6,45,000/- and the registration charges of Rs.25,808/- and the computer charges of Rs.190/- and as messages charges of Rs.100/- and in total a sum of Rs.70,298/-. But the authorities refusing to register the same vide refusal check slip dated 5.5.2021 stating the reason for refusal as original document not produced.



4. On enquiry with the 2nd respondent, the original documents relating to the said land was in fact in the custody of the son of the 2nd respondent but he refused to give the same and hence the 2nd respondent lodged a complaint before the Inspector of Police, Malayampalayam Police Station vide Receipt No.49/2020 dated 15.07.2020. Therefore, the petitioner is not able to produce the original document and the sale deed before the 1st respondent along with the sale deed relating to the subject land which is the subject matter of the registration.

5. Now, the additional documents produced wherein certified copy of the settlement deed dated 22.05.1986, in which, Senniappa Gounder has executed the settlement deed on 22.05.1986 in favour of one Lakshmi Ammal. Kanakachala Gounder who in turn executed in favour of his wife Lakshmi Ammal in R.S.No.35/1 as 1/4th share in the well and both certified copies of the documents have been produced and patta issued in favour of Lakshmi ammal to an extent of 5.50 hectares has been produced and the copy of the A-register is also produced. Sale agreement dated

6. Only based on the Lok Adalat order, memo is filed which is also registered as Doc.No.1041/2021 in O.S.No.729 of 2020 on the file the Sub-Court, Erode. As per the terms of the settlement dated 20.03.2020 compromise between the parties to resolve the dispute under Section 89 CPC and after discussion and developed legal issues arising between the parties, they are entered in to a memo of compromise for settlement and award was passed in terms of the compromise and accordingly, the terms of compromise, the petition for settlement for specific performance has been agreed between the parties as per the said sale agreement, the petitioner is entitled for sale deed executed in favour of the said Lakshmi Ammal.

7. In terms and settlement before the Lok Adalat, the petitioner herein is entitled to get sale deed executed in favour of the said Lakshmi Ammal. The said Lok Adalat Decree has been registered as Doc.No.1041/21 that being the case, the authority need not seek for production of original title deeds and the patta and other documents produced and the certified copy of the settlement deed dated 22.05.1986 to show that the property belongs to the said Lakshmi Ammal and she has got every right to execute the sale deed. Therefore, the 1st respondent is directed to pass appropriate orders based on the above documents within a period of eight weeks from the date of receipt of a copy of this order.



8. With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-III)

WEB COPY

// True Copy //

Sub Assistant Registrar

ssn

To

The Sub-Registrar,
Sivagiri,
Erode District.

W.P.No.14271 of 2021

BP(CO)
CB(17/12/2021)