



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2021

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.NO.16802/2021

[Video Conferencing]

K.V.P.Balasubramani

... Petitioner

Versus

The Sub Registrar,
Office of the Sub Registrar,
Omalar, Salem District.

... Respondent

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India praying for a writ of Certiorarified Mandamus calling for records with respect to the impugned proceedings of the respondent dated 29.07.20221 and quash the same consequently direct the respondent to register the Sale Deed dated 15.03.2021 within a stipulated period.

For Petitioner : Mr.R.Nalliyappan

For Respondent : Mr.Yogesh Kannadasan
Government Advocate

ORDER

1. Mr.Yogesh Kannadasan, learned Government Advocate accepts notice on behalf of the respondents.

2. The writ petitioner had presented a Sale Deed dated 15.03.2021 for registration before the respondent herein/Sub Registrar. The respondent appears to have refused to register the said document holding that Agreements of Sale had been earlier registered in the office of the respondent on 19.12.2012 and again on 21.03.2013 in Doc.Nos.9838/2012, 837 and 2747/2013 respectively. Holding that the said agreements of sale should be cancelled, the Sale Deed presented for registration has been refused to be registered by the respondent. Questioning that



particular order, the present writ petition has been filed.

3. The issue is no longer res integra as a Division Bench of this Court in N.Ramayee Vs. The Sub Registrar, Registration Department, Valapadi, Salem District reported in 2020 [6] CTC 697, on a reference by a Division Bench, in which I was a party, had very clearly held that a registered Agreement of Sale can never be a bar for registering a subsequent document even in the nature of a Sale Deed. It had been very categorically held that a contract for sale does not create any interest or charge on the property mentioned and the only relief of the agreement holder was to seek for specific performance.

4. In view of the said binding order, it would only be appropriate that a direction is given to the Sub Registrar, Omalur, Salem District, to take on record, the Sale Deed now presented for registration and register the same provided necessary stamp duty has been paid and the presenter of the document is prepared to pay the requisite registration charges and if other surrounding circumstances warrant registration of the document presented. The petitioner may also follow due process and appear before the respondent and seek registration of the said document and the respondent may act in accordance with the directions issued accordingly.

5. The writ petition stands allowed in the above terms. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

AP

To

The Sub Registrar,
Office of the Sub Registrar,
Omalur, Salem District.

+1cc to the Government Pleader, S.R.No.40732

W.P.NO.16802/2021

CNR (CO)
PBS/06/09/2021