



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2021

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.NO.17129 OF 2021

M.Sheik Faizal

... Petitioner

-Vs-

The Sub-Registrar,
Thirunallar,
Karaikal District.

... Respondent

Prayer :-

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records and quash the impugned order dated 26.03.2021 passed in No.99/2020/SRO/TNR by the respondent and consequently directing the respondent to register the sale deed dated 28.10.2020 presented by the petitioner in respect of an extent of 6 ares 76 santhiars in Wet R.S.No.204/2 = Old S.Nos.191/3, 193/1B and 197/-part in Patta No.59, in Sethur Village, Thirunallar Commune, Karaikkal District, Puducherry State.

For Petitioner : Mr.D.Baskar

For Respondent : M/s.V.Usha

Additional Government Pleader, Pondicherry.

ORDER

This Writ Petition has been filed for the issuance of Writ of Certiorarified Mandamus, calling for the records and quash the impugned order dated 26.03.2021 passed in No.99/2020/SRO/TNR by the respondent and consequently directing the respondent to register the sale deed, dated 28.10.2020 presented by the petitioner in respect of an extent of 6 ares 76 santhiars in Wet R.S.No.204/2 = Old S.Nos.191/3, 193/1B and 197/-part in Patta No.59, in Sethur Village, Thirunallar Commune, Karaikkal District, Puducherry State.

2. Heard Mr.D.Baskar, learned counsel appearing for the



petitioner and M/s.V.Usha, learned Additional Government Pleader appearing for the respondent.

3. The petitioner is the Power of Attorney appointed by the legal heirs of one Abdul Rashid, registered under a power of attorney deed, dated 15.05.2019 to deal with the subject property. On the strength of the said Power of Attorney, the petitioner sold the property to three persons i.e. Rajan, Sakthivel and Abdul Rahman, under the registered sale deed, dated 29.07.2019. From the said 3 persons, again, the petitioner purchased the property ad-measuring 6 acres and 76 santhiars, comprised in R.S.No.204/2, Old Survey Nos.191/3, 193/1B and 197 part in Patta No.59, situated in Sethur Village, Thirunallar Commune, Karaikkal District, Puducherry State, by the registered sale deed, dated 28.10.2020. The said sale deed was presented for registration on 28.10.2020 before the respondent.

4. On the objections received from one Kannan @ Pakkirisami, dated 19.11.2019, alleging that he is the agreement holder in respect of the subject property from the petitioner's one of the principals and 5 others and on strength of the same, he filed a suit in O.S.No.23 of 2018 for specific performance. In the said suit, he also filed an application in I.A.No.05 of 2019 for interim injunction, to alienate the property by making encumbrance. Based on the interim injunction, the respondents refused to register the same.

5. The learned counsel for the petitioner would submit that neither the petitioner nor his vendor's are the parties to the suit filed by the objector in O.S.No.23 of 2018. The petitioner's vendor purchased for valid sale consideration and the entire sale amount has been received by the principals of the petitioner herein. In turn, the petitioner purchased the said property for valid sale consideration and presented the sale deed for registration. Though, the suit is pending on the strength of the agreement for sale, the agreement for sale is not an impediment for the respondent to register the document which was presented for registration by the petitioner.

6. A perusal of the records revealed that the agreement holder filed a suit in O.S.No.23 of 2018 on the file of the District Munsif Court, Karaikal, and an interim application in I.A.No.05 of 2019 was filed for interim injunction restraining the defendants from alienating, mortgaging or any other kind of encumbrance whatsoever for the subject property. At the time of filing the suit, there was an interim order and subsequently by the order dated 13.11.2019 it was made absolute and the suit is still pending.



7. While pending the interim order, the petitioner is being the power holder of one of the principals, who is one of the defendants in the suit, the petitioner executed sale deed on 29.07.2019 in favour of his own son. In turn, he himself now purchased the said property and presented the document for registration. Therefore, when the interim order is very much pending, the said sale deed was executed by the petitioner. However, now the agreement holder i.e. plaintiff in the said suit in O.S.No.23 of 2018 on the file of the District Munsif Court, Karaikal, raised objections and as such the respondent rightly returned the document presented for registration by the petitioner.

8. Therefore, this Court finds no infirmity or illegality in the order passed by the respondent. The writ petition is devoid of merits and is liable to be dismissed. Accordingly, this writ petition stands dismissed. There shall be no order as to costs.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

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To

The Sub-Registrar,
Thirunallar,
Karaikal District.

+1cc to the Government Pleader, S.R.No.66784

W.P.No.17129 of 2021

PM/22/12/2021