



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2021

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No. 17594 of 2021

G. Kandasamy

... Petitioner

Versus

1.The Inspector General of Registration,  
No.100, Santhome High Road,  
RA Puram, Chennai-600 028.

2.The District Registrar,  
Dharmapuri.

3.The Joint-II, Sub-Registrar  
Dharmapuri.

4.G. Arumugam

... Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 3rd respondent to register the sale deed to be jointly presented by the petitioner and the 4th respondent in respect of the property situated at Noolahalli Revenue Village, Dharmapuri Taluk and District comprised in S.No.319/4, measuring an extent of 1 acre without insisting previous original sale deed vide document No.1617 of 1994 on the file of 3rd respondent/Sub Registrar.

For Petitioner : Mr.J.Bharathi Raja.

For Respondents : Mr.K.M.D.Muhilan.  
Government Advocate.

ORDER

This writ petition has been filed for issuance of Writ of Mandamus directing the 3rd respondent/Sub Registrar to register the sale deed to be jointly presented by the petitioner and the 4th respondent in respect of the property situated at Noolahalli Revenue Village, Dharmapuri Taluk and District comprised in S.No.319/4, measuring an extent of 1 acre without insisting



previous original sale deed vide Document No.1617 of 1994 on the file of 3rd respondent/Sub Registrar.

2. The case of the petitioner is that he had purchased a piece of land at Noolahalli Revenue Village comprised in Survey No.319/4, measuring an extent of 1 Acre in and by a registered sale deed vide Document No.1617 of 1994 from Chinnannan @ Lakshmanan & others. From the date of purchasing of the property, he has been in possession and enjoyment of the said property. However, while he was shifting his residence, the original document of the sale deed vide Doc.No.1617 of 1994 was misplaced and could not be traced out. Thereafter, he wants to sell the said property for his family needs to the 4th respondent who is none other than his blood brother and they had entered into a sale agreement to that effect from 27.07.2021. Subsequently, time fixed for completion and registration of sale deed is one month from 27.07.2021. Later, he came to know that the registration authorities, namely, the 3rd respondent/Sub Registrar insisted upon the previous records/documents in original at the time of registration of the sale deed. Now, he was not in a position to submit the copy of the original sale deed. At this juncture, the petitioner has to register the sale deed on or before 26.08.2021 as per the sale agreement dated 27.07.2021. Hence, earlier this Court has observed that registration authorities shall not insist upon the registrants to produce the original documents by filing writ petition in W.P.(MD) No.19745 of 2020 dated 11.02.2021. Therefore, the petitioner has come forward with the present writ petition.

3. Heard the learned counsel appearing for the petitioner as well the learned Government Advocate appearing for the respondents 1 to 3 and perused the materials placed on record.

4. On perusal of the records, it is seen that the sale agreement had entered into between the petitioner and the fourth respondent dated 27.07.2021 in respect of the aforesaid property and the same has not been registered before the concerned jurisdictional Sub Registrar Office. Till date, the petitioner has not approached the Competent Authorities to register the sale deed vide Document No.1617 of 1994 to be jointly presented by the petitioner and the 4th respondent by producing such original documents. At this juncture, the petitioner sought for in this writ petition only for writ of mandamus. Hence, this Court is of the view that the prayer in this writ petition cannot be granted if there is no cause of action and the same is liable to be dismissed.



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5. Accordingly, the writ petition is dismissed. No costs.

Sd/-  
Assistant Registrar

True Copy//

Sub Assistant Registrar

gba/msm

To

1. The Inspector General of Registration,  
No.100, Santhome High Road,  
RA Puram, Chennai-600 028.
2. The District Registrar,  
Dharmapuri.
3. The Joint-II, Sub-Registrar  
Dharmapuri.

+1cc to the Government Pleader, S.R.No.44298

W.P.No.17594 of 2021

BS[co]  
NSK 24/01/2022