



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2021

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.17622 of 2021

Vijaya

... Petitioner

-Vs-

1. The District Registrar,
Krishnagiri District,
Krishnagiri.

2. The Sub Registrar,
Veppanapalli Sub Registrar's Office,
Veppanapalli,
Krishnagiri Taluk and District.

... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the first respondent dated 30.07.2021, made in Na.Ka.No.3054/Aa1/2021 and to quash the same consequently direct the second respondent to register the sale deed Pending Document No.24 of 2017 dated 04.08.2017 in respect of the property measuring an extent of 1.10½ acres comprised in Survey Nos.12/9A, 12/5B and 12/3 situated at Chennachandiram Village, Krishnagiri Taluk and District and to return the original sale deed to the petitioner.

For Petitioner : Mr.C.Prabakaran

For Respondents: Mr.Yogesh Kannadasan
Special Government Pleader.

ORDER

This Writ Petition has been filed for the issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the first respondent dated 30.07.2021, made in Na.Ka.No.3054/Aa1/2021 and to quash the same consequently direct the second respondent to register the sale deed Pending Document No.24 of 2017 dated 04.08.2017 in respect of the property measuring an extent of 1.10½ acres comprised in Survey Nos.12/9A, 12/5B and 12/3 situated at Chennachandiram



Village, Krishnagiri Taluk and District and to return the original sale deed to the petitioner.

2. Heard Mr.C.Prabakaran, learned counsel appearing for the petitioner and Mr.Yogesh Kannadasan, learned Special Government Pleader appearing for the respondents.

3. The property comprised in Survey No.12/9A, 12/5B and 12/3, ad-measuring 1.10½ acres of land situated at Chennachandiram Village, Krishnagiri District originally belonged to one Periyannan who had purchased the said property by the registered sale deed vide Document No.526 of 1999. In turn, he has settled the property in favour of his sons i.e. Praveen and Prasanth by the settlement deed vide Document No.120 of 2004. In turn, they sold out the subject property in favour of the petitioner by the registered sale deed, dated 04.08.2017 and presented for registration on payment of necessary registration charges and stamp duty before the second respondent. On receipt of the same, the second respondent kept the document as pending in Pending Document No.24 of 2017.

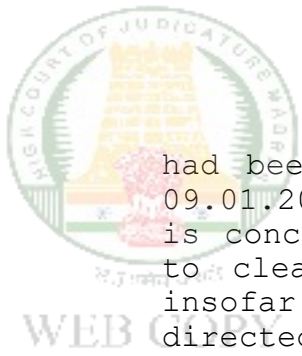
4. However, it was not registered and released in favour of the petitioner. On representation submitted by the petitioner, the second respondent passed an order on 28.07.2020 and refused to register the same for the reason that the subject property was already attached by the Deputy Registrar of Co-operative Societies by the attachment order dated 06.04.2011.

5. Aggrieved by the same, the petitioner filed an appeal before the first respondent and the first respondent by the impugned order dated 30.07.2021 confirmed the order passed by the second respondent, whereby, the second respondent refused to register the sale deed, on the ground that there is an existence of Court attachment order dated 06.04.2011.

6. The learned counsel for the petitioner would submit that the basis for order of attachment as been quashed by this Court in W.P.No.23696 of 2008, dated 09.01.2009 itself. Therefore, the second respondent ought to have registered the sale deed which was presented for registration.

7. Whereas the second respondent filed a counter and revealed that while verifying the previous registration, it was found that there was a subsisting mortgage in favour of the Central Bank of India registered vide Document No.214 of 2002 and an order of attachment made by the Co-operative Deputy Registrar is subsisting. Therefore, the second respondent had kept the document as pending in Pending Document No. 24 of 2017.

8. As stated supra, the basis for an order of attachment



had been quashed by this Court in W.P.No.23696 of 2008, dated 09.01.2009. Insofar as the mortgage in respect of the property is concerned, the learned counsel for the petitioner undertakes to clear the mortgage and only after redemption of mortgage insofar as the subject property, the second respondent may be directed to register the document.

9. Considering the above, the second respondent is directed to register the document which was kept pending as Pending Document No.24 of 2017 subject to the condition that the petitioner redempts the subject property from the alleged mortgage.

10. With the above direction, this writ petition is disposed of. There shall be no order as to costs.

Sd/-
Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

mn

To

1. The District Registrar,
Krishnagiri District,
Krishnagiri.
2. The Sub Registrar,
Veppanapalli Sub Registrar's Office,
Veppanapalli,
Krishnagiri Taluk and District.

+1cc to Mr.C.Prabakaran, Advocate, S.R.No.58577
+1cc to the Government Pleader, S.R.No.59016

W.P.No.17622 of 2021

SPD(CO)
SB(03/12/2021)