

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.10.2021

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.19824 of 2021

1. Dhanalakshmi
2. Bakkialakshmi

... Petitioners

Vs.

The Sub Registrar,
Avarapakkam Sub Registrar Office,
Villupuram District

... Respondent

Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent herein to receive the sale deed dated 19.08.2021 presented by the petitioners intended to be executed in favour of one Gandhi w/o Sekar and register the same and return the same, if it is found to be in order.

For Petitioners : Mr.K.Thilagaraj

For Respondent : Mr.Yogesh Kannadasan
Government Advocate

O R D E R

This Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent herein to receive the sale deed dated 19.08.2021 presented by the petitioners intended to be executed in favour of one Gandhi w/o Sekar and register the same and return the same, if it is found to be in order.

2. According to the petitioners, the property situated at Puthananthal Village, Tindivanam Taluk, Villupuram district comprised in Old Survey No.35/1B new survey no.55/1 admeasuring 7 ½ cent, survey no.34/1B admeasuring 40cents, old survey no.34/4A New Survey No.55/3 admeasuring 57 cents old survey no.34/1, new survey no.55/12 admeasuring 8 ½ cents belongs to their father, namely, Adhinarayanasamy and patta has been issued in his name. The petitioners' father died intestate leaving the petitioners herein, Sornambal and Vijaya, as legal heirs to inherit the property.

3. In consequence, during the year 1981, the parties concerned entered into Koorchit, where the properties came to be divided and thereby the parties concerned received their due share. With regard to partition, a suit has been instituted by the petitioners in O.S.No.293 of 2014 and pending proceedings, the suit has been referred to Lok Adalat, Tindivanam Court and a settlement memo has been recorded and award was passed by the Lok Adalat on 19.02.2015. In view of the said settlement in the Lok Adalat, the petitioners obtained the aforesaid properties.

4. Subsequently, the petitioners intended to sell the properties to one Gandhi, consequently, the petitioners presented the sale deed on 19.08.2021 in online, but the same was not even received stating that due to civil court issue, the registration cannot be done. Left with no other option, the petitioners are before this Court.

5. The learned counsel for the petitioners would submit that though the sale deed was presented before the respondent on 19.08.2021 through online and Acknowledgment no.TP/104528072/2021 was received, the same has not been received by the respondent, therefore, seeks indulgence of this Court to direct the respondent to receive the said sale deed.

6. The learned Government Advocate appearing for the respondent has produced a communication letter received from the respondent dated 29.09.2021.

7. Heard the learned counsel appearing for the petitioners as well as the learned Government Advocate appearing for the respondent and perused the document placed on record.

8. On a perusal of the said communication letter, it could be seen that the respondent has not received any documents through online for registration from the petitioner and the same was not rejected by the respondent. Further, the petitioner has failed to submit the copy of the award passed by the lok adalat and the respondent had stated that he would abide by the direction to be issued by this Court.

9. In view of the above and considering the fact that the petitioners are willing to sell the properties to the 3rd parties, the respondent is directed to verify the award passed by the Lok Adalat and the revenue records and thereafter, register the sale deed presented by the petitioners, if it is otherwise in order, within a period of six weeks from the date of receipt of copy of a order in accordance with law and after hearing all the concerned necessary parties.

In the result, the present Writ Petition is disposed of. No costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

ssd
To

The Sub Registrar,
Avarapakkam Sub Registrar Office,
Villupuram District

+1 CC to The Government Pleader sr 53210

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MG(CO)
SP(09/11/2021)