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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2021

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.24334 of 2021

R.Tamilmani

... Petitioner

-Vs-

The Sub Registrar,
Sub Registrar Office,
Joint II, Kancheepuram,
Kancheepuram 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 pertaining to SL.No.RFL/2 in book 2/2/2021 dated 02.08.2021 and quash the same and for direction directing the respondent to register and release the Sale Deed dated 31.07.2020 bearing document No.P/143/2020 on the file of the respondent when it is presented by the petitioner based on his representation dated 04.10.2021 and for other reliefs.

For Petitioner : Mr.P.Balamurugan

For Respondent : Mr.Yogesh Kannadasan
Special Government Pleader.

ORDER

This Writ Petition has been filed for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to SL.No.RFL/2 in book 2/2/2021 dated 02.08.2021 and quash the same and for direction directing the respondent to register and release the Sale Deed dated 31.07.2020 bearing document No.P/143/2020 on the file of the respondent, which is presented by the petitioner, based on his representation dated 04.10.2021.



2. Mr.P.Balamurugan, learned counsel appearing for the petitioner and Mr.Yogesh Kannadasan, learned Special Government Pleader appearing for the respondent.

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3. The petitioner purchased the property comprised in survey No.178/2A1A1A admeasuring to an extent of 0.89 cents situated at Molachour Village, Sriperumbudur Taluk, Kanchipuram District and Plot No.59 admeasuring to an extent of 990 sq.ft comprised in survey Nos.63, 64, 65/2, 65/166 & 67/1 situated at Ayyangarkulam Village, No.35, Kanchipuram Taluk, Kanchipuram District, from M/s.Ponnusamy Educational and Charitable Trust, for a valid sale consideration. The said sale deed was executed on 31.07.2020 in favour of the petitioner and his brother. The said sale deed was presented for registration on 31.07.2020 and it was returned and refused to register the same by the respondent herein.

4. A perusal of the impugned order, the respondent rejected and returned the sale deed for the reason that already one Suresh Kumar, who is an old Trustee of M/s.Ponnusamy Education and Charitable Trust, filed a Writ Petition before this Court in W.P.No.16050 of 2020 and this Court, by an order dated 11.11.2020, directed the parties concerned to approach the Civil Court for appropriate relief and further directed that after obtaining the order from the Civil Court, present the sale deed for registration. In the said writ petition, the registering authorities were directed not to release the sale deed which was presented for registration vide document No.P/143/20 dated 31.07.2020. Thereafter, the petitioner did not approach any Civil Court and no restrain order passed as against the order and also not registered the document in respect of the subject property. While being so, there is absolutely no impediment to the respondent for registering the document which was presented by the petitioner and his brother for registration, when no restrain order is in force against the respondent.

5. Considering the above, the order impugned in this writ petition is liable to be set aside, accordingly, it is set aside. The petitioner is directed to re-present the sale deed dated 31.07.2020 for registration and on receipt of the same, the respondent is directed to register and release the same forthwith. It is also made clear that if any restrain order passed as against the respondent, the petitioner is at liberty to look after his remedy before the concerned Civil Court.



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6. In the result, the writ petition stands allowed. No costs.

Sd/-
Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

Lpp

To

The Sub Registrar,
Sub Registrar Office,
Joint II, Kancheepuram,
Kancheepuram District.

+1cc to Mr.P.Balamurugan, Advocate, S.R.No.59326

+1cc to the Government Pleader, S.R.No.59791

W.P.No.24334 of 2021

NMI (CO)
SU(22/12/2021)