



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2021

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.25405 of 2021

D.Vanju Gandhi

... Petitioner

Vs

The Joint Sub-Registrar-I,
Sub-Registrar Office,
Vellore.

... Respondent

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the respondent in proceedings No.நிலுவை ஆவண எண்:75அபயி/2021, நாள் 02.11.2021 and quash the same and direct the respondent to register the sale deed bearing Pending Document No.75 of 2021, dated 16.03.2020 on the file of the third respondent as a regular document and release the same to the petitioner without insisting on penalty.

For Petitioner : Mr.M.Venkatakkrishnan

For Respondent : Mr.Yogesh Kannadasan
Special Government Pleader

O R D E R

This Writ Petition has been filed to issue a Writ of Certiorarified Mandamus, calling for the records of the respondent in proceedings No.நிலுவை ஆவண எண்:75அபயி/2021, நாள் 02.11.2021 and quash the same and direct the respondent to register the sale deed, bearing Pending Document No.75 of 2021, dated 16.03.2020 on the file of the third respondent as a regular document and release the same to the petitioner without insisting on penalty.

2. The petitioner presented sale deed which was executed by the Court below in the suit for specific performance for registration before the respondent. However, the respondent had kept the sale deed as pending, for the reason that it was presented belatedly by receipt dated 21.04.2021. The same was



challenged before this Court in W.P.No.18427 of 2021. This Court, by order dated 02.09.2021 considered the Covid-19 Pandemic situation and observed that the Court has executed the sale deed and only due to "pandemic situation" they could not produce the same and valid reasons have been stated by the petitioner for not submitting the same for registration by the Court officials and the said case ought to have been considered by the authorities, but the authorities failed to consider the same, which prejudices the petitioner. Therefore, this Court directed the second respondent to register the sale deed presented by the petitioner by condoning the delay, within a period of eight weeks from the date of receipt of a copy of that order. Again, the respondent ordered to pay a sum of Rs.37,000/- as fine for belatedly presentation the sale deed for registration, by the impugned order dated 02.11.2021.

3. On a perusal of the earlier receipt dated 21.04.2021, it is seen that the petitioner duly paid registration fees and other charges to the tune of Rs.38,470/-. In the said receipt, it is nowhere stated about the deficit registration fees in respect of the sale deed presented for registration. However, by the present impugned order, the respondent directed the petitioner to pay a sum of Rs.37,000/- as fine. When this Court already condoned the delay and directed the respondent to register the sale deed within a period of eight weeks, the respondent, without complying the order passed by this Court, had again passed the impugned order, thereby directed to pay a sum of Rs.37,000/- as fine.

4. In view of the above discussion, the impugned order cannot be sustained and it is liable to be set aside. Accordingly, the impugned order dated 02.11.2021 is hereby set aside. The respondent is directed to register and release the sale deed forthwith, on payment of registration fees, if the sale deed is otherwise in order, as this Court had already condoned the delay in the earlier round of litigation.

5. In the result, this Writ Petition is allowed. No costs.

Sd/-
Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

kv



To

The Joint Sub-Registrar-I,
Sub-Registrar Office,
Vellore.

+1cc to Mr.M.Venkata Krishnan, Advocate, S.R.No.62156

+1cc to the Government Pleader, S.R.No.62998

W.P.No.25405 of 2021

SS(CO)
SU(20/12/2021)