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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.06.2021

CORAM:

THE HON'BLE MR. JUSTICE R.SURESH KUMAR

W.P.No.31215 of 2018 and
W.M.P.No.36416 & 36417 of 2018

1. A.Ilayaraja
2. K.Baskaran ... Petitioners

Vs.

1. The Sub-Registrar,
Tiruthani Sub-Registrar Office,
Tiruthani, Thiruvallur District.
2. S.Belkumar
3. G.Inbathamizh ... Respondents

Prayer: Petition filed under Article 226 of Constitution of India praying for issuance of a Writ of Mandamus directing the 1st respondent to accept, register and return the sale agreement dated 12.09.2018 to the purchaser in respect of property measuring an extent of 21.56 Acres, situated in S.No.2/2A, 2/2E, 2/2L, 2/2'O', 2/2R, 65/1, 2/2S, 2/2C, 2/2V, 2/2M, 2/2Q, 2/2G, 2/2J, 2/2N, 2/2P, 2/2T, 2/2I, 2/2U, 2/2D, 2/2F, 2/2W, 2/2B, 2/2H & 51 Poonimangadu Village, Tiruthani Taluk, Tiruvallur District, without reference to the lapsed sale agreement dated 26.02.2015 in Doc.No.813 of 2015 entered to with the 2nd and 3rd respondents.

For Petitioners : No appearance

For Respondents 1 & 2 : Ms.Akila Rajendran
Counsel for Government

ORDER

The prayer sought for herein is for a writ of mandamus directing the first respondent to accept, register and return the sale agreement dated 12.09.2018 to the purchaser in respect of property measuring an extent of 21.56 Acres, situated in S.No.2/2A, 2/2E, 2/2L, 2/2'O', 2/2R, 65/1, 2/2S, 2/2C, 2/2V,



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2/2M, 2/2Q, 2/2G 2/2J, 2/2N, 2/2P, 2/2T, 2/2I, 2/2U, 2/2D, 2/2F, 2/2W, 2/2B, 2/2H & 51 Poonimangadu Village, Tiruthani Taluk, Tiruvallur District, without reference to the lapsed sale agreement dated 26.02.2015 in Doc.No.813 of 2015 entered to with the 2nd and 3rd respondents.

2.The Sale Agreement dated 12.09.2018 was, according to the petitioners, presented before the first respondent Registrar Office, the same since has not been accepted for registration and it has been kept pending, seeking to issue a writ of mandamus to give a direction to the first respondent to accept the Sale Agreement dated 12.09.2018 and to register the same, the present writ petition has been filed.

3.When the case is called, there is no representation for the petitioner. However, Ms.Akila Rajendran, learned counsel for Government appearing for the official respondent, i.e., first respondent, on instruction, would submit that, there are two Sale Agreements, one is dated 26.02.2015, another is dated 12.09.2018, therefore there is some discrepancy in the very same documents i.e., genuinity of the document, which is in question, therefore the same could not be registered. However, for not registering of the said document i.e., why it has not been registered or kept pending is concerned, a decision would be taken by the first respondent within a time frame that may be stipulated by this Court, by thus, a quietus could be given to the issue, she contended.

4.There is no representation for the private respondents i.e., respondents 2 and 3 also.

5.I have heard the submission made by the learned counsel for Government appearing for the first respondent and have perused the materials placed before this Court.

6.Since it is the claim of the petitioners that a document of agreement for sale dated 26.02.2015 has been submitted to the first respondent and the same has not been accepted for registration and no registration has been taken place, therefore, he filed this writ petition to seek for a direction to the first respondent to register the said document.

7.In this context, since it is the stand of the first respondent as has been projected by the learned counsel for Government appearing for the first respondent that, the Sale Agreement in question cannot be registered and reasons to that effect would be adduced and an order to that effect refusing to register the same would be passed by the first respondent, this Court is inclined to dispose of this writ petition with the following orders.



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That there shall be a direction to the first respondent to pass an order on the request of the petitioners to register the Sale Agreement dated 26.02.2015 and in this regard, if the first respondent wants to get further input from the petitioners as well as the private respondents, after hearing them, an order can be passed, at any rate, the order either accepting or rejecting the said document in question for registration purpose, shall be passed and the same be communicated to the parties within a period of eight weeks from the date of receipt of a copy of this order.

8. With this direction, this Writ Petition is disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CO)

//True copy//

Sub Assistant Registrar

Sgl

To

The Sub-Registrar,
Tiruthani Sub-Registrar Office,
Tiruthani, Thiruvallur District.

+2ccs to Mr.S.Ashok Kumar, Advocate SR.No.3426 (19/08/2021)
+1cc to the Government Pleader, S.R.No.28997

W.P.No.31215 of 2018

RLD (CO)
RLP (30/07/2021)