



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.04.2021

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD)No.2880 of 2021

WEB COPY

R.Sivakumar

Petitioner

Vs.

The Sub-Registrar,
Office of the Sub-Registrar,
Manamadurai,
Ramanathapuram District.

Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to register the sale deed submitted by the petitioner on 19.10.2020, on the basis of the petitioner's representation dated 20.01.2021, within the time stipulated by this Court.

For Petitioner	: Mr.I.Sabeer Mohamed
For Respondent	: Mr.K.Sathyasingh Additional Government Pleader

O R D E R

This Writ Petition has been filed for the issue of a Writ of Mandamus, directing the respondent to register the Sale Deed submitted by the petitioner on 19.10.2020.

2.The case of the petitioner is that the subject property was owned by one P.S.Subramanian and the revenue records also stood in his name. The petitioner wanted to purchase the said property and there was a negotiation between the petitioner and the said P.S.Subramanian and the Sale Deed came to be executed in favour of the petitioner, on 19.10.2020. The grievance of the petitioner is that the Sale Deed is kept pending on the file of the respondent till date and left with no other option, the present Writ Petition has been filed before this Court.

3.The learned Additional Government Pleader appearing on behalf of the respondent submitted that one Jegan had objected to grant of Patta in favour of P.S.Subramanian and the District Revenue Officer by proceedings dated 17.09.2020 has passed an order prohibiting the transfer of patta till the final orders are passed. The learned Additional Government Pleader by pointing out this proceeding, submitted that pursuant to the order passed by the DRO, the respondent is not in a position to register the document, since the patta granted infavour of the vendor of the petitioner itself is in question.



4. In the considered view of this Court, the respondent cannot keep the document pending even without informing the petitioner as to why it is being kept pending. Section 71 of the Registration Act specifically provides that where the Sub Registrar is not inclined to register the document, he has to pass an order refusing to register the document. Admittedly, this procedure has not been followed in the present case.

5. It is also not brought to the notice of this Court whether any order passed against the respondent from registering the document pertaining to the subject property. The respondent is performing a statutory duty under the Registration Act. No dispute among the parties on the right or title over the property will fall within the realm of the respondent. The respondent has to independently consider the document presented for registration and either register the document or refuse to register the document by passing an order under Section 71 of the Registration Act. The document cannot be kept pending endlessly without informing the person who presented the document about the status of the registration.

6. In view of the above, there shall be a direction to the respondent to take a decision on the registration of the document, namely, the Sale Deed, dated 19.10.2020, within a period of two weeks from the date of receipt of a copy of this order and inform the petitioner. The petitioner is directed to make a fresh representation to the respondent along with a copy of this order.

7. This Writ Petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

The Sub Registrar,
Sub Registrar Office,
Manamadurai,
Ramanthapuram District.

+1 CC to M/s.AGP (SR-16700[F] dated 20/04/2021)

**Order made in
W.P. (MD)No.2880 of 2021
Dated 19.04.2021**

KE (06.05.2021) 3P 3C