



WEB COPY

W.P(MD).Nos.9178 and 9625 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :26.11.2021

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THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD).Nos.9178 and 9625 of 2021

N.Rajamani

... Petitioner in both writ petitions

Vs.

1.The Sub Registrar,
Melur Sub Registration Office,
Madurai North, Madurai.

2.Vijayarani

...Respondents in both writ petitions

Prayer in W.P.(MD).No.9178 of 2021 : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned check slip dated 23.04.2021 issued by the first respondent and set aside the same as unconstitutional and consequently direct the first respondent to register the sale deed of the petitioner which has presented through online vide temporary No.TP/102239639/2021 dated 23.04.2021 within a time frame as fixed by this Court.

Prayer in W.P.(MD).No.9625 of 2021 : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned check slip dated 23.04.2021 issued by the first respondent and set aside the same as unconstitutional and consequently direct the first respondent to register the sale deed of the petitioner which has presented through online vide temporary No.TP/102238378/2021 dated 23.04.2021 within a time frame as fixed by this Court.

For Petitioner
(In both writ petitions)

: Mr.S.Sukumar

For R1
(In both writ petitions)

: Mr.D.Gandhiraj
Special Government Pleader

For R2
(In both writ petitions)

: Mr.V.Nagendran



COMMON ORDER

The writ petitioner has come to the Court questioning the impugned order issued by the first respondent, dated 23.04.2021, refusing to register sale deed presented by the petitioner herein for registration on the ground that an agreement of sale has been registered with respect to the very same land.

2.It must be mentioned that in an agreement of sale deed, Section 104 of the Transfer of Property Act does not give any further right on the property but the agreement holder has only the right to proceed for specific performance of the agreement.

3.This position of law has been affirmed by a Division Bench of this Court, in which, I was a party, reported in **2020 (8) MCJ 305 Ramayee vs Sub Registrar and others**. If a document is presented for registration and it is otherwise in order with respect to stamp duty and registration fees, then the Sub Registrar should proceed to register the same.

4.The impugned order is set aside and a direction is issued to the first respondent to register the documents presented for registration, provided the same is in accordance with law and if otherwise, the petitioner may present the documents in accordance with the rules. I am confident that the first respondent would register the same.

5.With the said observations, the Writ Petitions are allowed. No Costs.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sn/lr

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.



W.P(MD).Nos.9178 and 9625 of 2021

To

The Sub Registrar,
Melur Sub Registration Office,
Madurai North, Madurai.

+2 CC to M/s.V. NAGENDRAN, Advocate (SR-36587[F] dated
30/11/2021)

+1 CC to M/s.S. SUKUMAR, Advocate (SR-36560[F] dated 30/11/2021)

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RK(20/12/2021) 3P 5C