



BEFORE THE MADURAI BENCH OF MADRAS HIGH Court

DATED: 18.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

WEB COPY

W.P. (MD)No.10265 of 2021
(Through Video Conferencing)

S.Paulraj

... Petitioner

Vs.

1.The Inspector General of Registration
Inspector General of Registration Office,
Santhome,
Mylapore, Chennai.

2.The District Registrar,
District Registrar Office
Sivagangai
Sivagangai District

3.The Sub Registrar,
Sub Registrar Office,
Manamadurai
Sivagangai District.

4.A.Ramachandran

5.Gurumoorthy

6.P.S.R.Kumar

7.K.Murugan

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the respondent No.3 not to register any document in survey No.267/3, 267/5 in Sub Registrar Office, Manamadurai, Sivagangai District without the knowledge of the petitioner.

For Petitioner

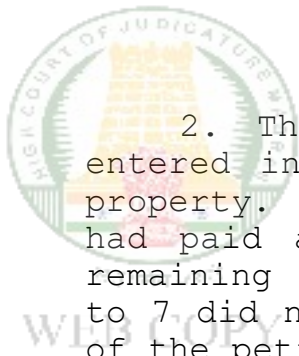
:Mr.J.Senthilkumar

For Respondent

:Mr.S.Shanmugavel for R1 to R3
Government Advocate (civil)

ORDER

This writ petition has been filed for the issue of a writ of mandamus directing the third respondent to consider the objections made by the petitioner and not to register any document pertaining to the subject property without conducting an enquiry based on the objections made by the petitioner.



2. The case of the petitioner is that respondents 4 to 7 entered into an agreement of sale and agreed to sell the subject property. The further case of the petitioner is that the petitioner had paid a sum of Rs.5 lakhs and he was also ready to pay the remaining amount as per the agreement. However, the respondents 4 to 7 did not come forward to execute the sale deed. The grievance of the petitioner is that the respondents 4 to 7 are now demanding a higher sum and they are trying to sell the property to third parties. It is also seen from the records that there was exchange of notices between the parties.

3. The petitioner had given objections before the third respondent to the effect that no documents should be registered pertaining to the subject property without hearing the objections of the petitioner. Since the same did not evoke any response, the present writ petition has been filed before this Court seeking for appropriate directions.

4. Heard the learned counsel for the petitioner and the learned Government Advocate (Civil) for the respondents.

5. In the considered view of this Court, the issue that has been raised in the present writ petition is squarely covered by the decision of the Division bench of this Court in **N.Ramayee v. Sub Registrar, Registration Department, Salem District and others** reported in **2020 (5) LW 385**. This Court, after analyzing all the earlier judgments, held that the mere fact that the owner has entered into an agreement of sale by itself will not be a bar for the owner of the property to deal with his property and the registration department cannot deny registration only on the ground that the owner has entered into a sale agreement.

6. In the present case, if the petitioner is aggrieved by the attitude of the respondents 4 to 7, it will be more appropriate for the petitioner to approach the competent civil Court and file a suit for specific performance. The petitioner can also file an application in the said suit and seek for a restraint order in order to prevent any third party rights being created by those respondents. Instead a writ petition has been filed before this Court.

7. In the considered view of this Court, no useful purpose will be served in directing the third respondent to consider the objections made by the petitioner and the same will tantamount to preventing the statutory authorities from performing his statutory functions. Since the petitioner has an efficacious alternative remedy to work out his grievance, this Court is not inclined to entertain this writ petition.



8. In the result, this writ petition is disposed of by granting liberty to the petitioner to work out his remedy before the competent civil Court. No costs.

Sd/-

Assistant Registrar (CS-I)

WEB COPY

// 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

1.The Inspector General of Registration
Inspector General of Registration Office,
Santhome,
Mylapore, Chennai.

2.The District Registrar,
District Registrar Office
Sivagangai
Sivagangai District

3.The Sub Registrar,
Sub Registrar Office,
Manamadurai
Sivagangai District.

+1 CC to M/s.SPL GP (SR-19769[F] dated 21/06/2021)

W.P. (MD)No.10265 of 2021
18.06.2021

KB(25.06.2021) 3P 5C