



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.06.2021

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.10723 of 2021

T.Suseentharapandian

... Petitioner

Vs.

1.The District Registrar,
Registration Department,
Dindigul, Dindigul District.

2.The Sub Registrar,
Nilakottai Sub Registrar Office,
Nilakottai Taluk,
Dindigul District.

3.R.Chellappa

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the respondent Nos.1 and 2 to permit the petitioner to register the Sale deed dated 01.09.2020 pertaining to petitioner's property in a Survey No.508/3 Malayagoundanpatti Village, Nilakottai Taluk, Dindigul District and release the same within the time frame fixed by this Hon'ble Court.

For Petitioner
For Respondents

: Mr.T.Lajapathi Roy
: Mr.R.Sureshkumar
Government Advocate

ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus, directing the second respondent to register the sale deed dated 01.09.2020 and to release the document to the petitioner.

2. The case of the petitioner is that he is the owner of the subject property by virtue of a settlement deed, dated 14.02.2012 registered as Document No.878 of 2012. The petitioner wanted to sell this property and accordingly, he executed a sale deed dated 01.09.2020 in favour of one P.A.Ramakrishnan. When the sale deed was presented for registration, there was an objection made by the third respondent and based on the said objection, the



second respondent has kept the document pending.

3. The further case of the petitioner is that the third respondent has given an objection to the second respondent through his Advocate and every time, when the second respondent is called for an enquiry, the Advocate representing him, is seeking for time and thereby, the sale deed has not been registered for the last nine months. It is brought to the notice of this Court by the learned Government Advocate that the enquiry was fixed on 07.05.2021 and even, on that date, the Advocate representing the third respondent had taken time.

4. The petitioner, left with no other alternative, has filed the present Writ Petition seeking for appropriate directions.

5. Heard Mr.T.Lajapathi Roy, learned counsel appearing for the petitioner and Mr.R.Suresh Kumar, learned Government Advocate appearing for the respondents 1 and 2.

6. In the considered view of this Court, the second respondent ought not to have kept the registration pending for such a long time and there is a statutory duty that has been cast upon the second respondent under the Registration Act to register the documents that are presented before him. If incase, there is a refusal to register, an appropriate order has to be passed under Section 71 of the Act. The second respondent cannot keep a document pending endlessly on the basis of some objections given by the third respondent, who is not even co-operating during enquiry and who is perpetually taking time through his Advocate. This Court is not able to understand as to why an Advocate will represent the third respondent before a Sub Registrar as if the Sub Registrar is holding some Court and he is deciding the title over the property. It is high time that Advocates also maintain some dignity and not demean themselves by appearing before the Sub Registrar or a Police. The job of an Advocate is only before the Court to plead on behalf of his client.

7. In view of the above discussion, there shall be a direction to the second respondent to entertain the document presented for registration by the petitioner, if it is otherwise in order and the necessary stamp duty and registration charges are paid. If for any reasons the second respondent is not inclined to register the document, a refusal order has to be passed under Section 71 of the Registration Act. In any case, the entire process shall be completed within a period of two (2) weeks from the date of receipt of a copy of this order.



8. This Writ Petition stands disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (P&A)

// True Copy //

WEB COPY

/ /2021

Sub Assistant Registrar(CS)

tsg

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 District Registrar,
Registration Department,
Dindigul, Dindigul District.

2.The Sub Registrar,
Nilakottai Sub Registrar Office,
Nilakottai Taluk,
Dindigul District.

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-20814[F] dated 01/07/2021)

Order made in
W.P. (MD) .No.10723 of 2021

Dated :
29.06.2021

AS (07.07.2021) P 4C