



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.09.2021

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.16391 of 2021

G.Gopalsamy

... Petitioner

Vs.

1.The District Registrar,
Virudhunagar Registration District,
Virudhunagar.

2.The Sub-Registrar,
Sub-Registrar Office,
Pandalgudi,
Virudhunagar District.

3.Mrs.J.Vijayalakshmi.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second respondent herein, not to register any document in respect of the property in Survey No.14/8B, Velayuthapuram Village, Velayuthapuram Village Panchayat, Aruppukottai Taluk, Virudhunagar District without producing the Original Sale Deed (Document No.2643/2010).

For Petitioner : Mr.M.Jothi Basu
For R1 and R2 : Mr.P.Subbaraj,
Counsel for State.

ORDER

The petitioner seeks a direction to the third respondent not to register any document in respect of the property bearing Survey No.14/8B, Velayuthapuram Village, Velayuthapuram Village Panchayat, Aruppukottai Taluk, Virudhunagar District.

2.The petitioner states that the above mentioned property was originally owned by one Mr.E.Victor. On 29.11.2010, the original owner executed a sale deed in favour of the third respondent, which was registered under Document No.2643/2010 before the Sub-Registrar, Pandalkudi Sub-Registrar's Office. The petitioner claims that he contributed a sum of Rs.11,80,000/- (Rupees Eleven Lakh and Eighty Thousand Only) and the third respondent contributed a sum of Rs.20,00,000/- (Rupees Twenty Lakhs Only) towards the sale consideration for the purchase of the property. The petitioner further asserts that an agreement dated 29.11.2010 was executed by himself and the third respondent and that such agreement provides



for both the parties to the agreement to have a proportionate share in the property.

3.In these facts and circumstances, the petitioner alleges that the third respondent is endeavouring to sell the property. Therefore, the petitioner submitted a representation to the second respondent. Pursuant thereto, it is stated that the second respondent issued summons for an inquiry on 24.08.2021. On account of the alleged failure of the second respondent to proceed with such enquiry, the present Writ Petition is filed.

4.Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of the first and second respondents.

5.The petitioner has enclosed a copy of the sale deed dated 29.11.2010. The said sale deed has been executed by Mr.E.Victor in favour of Tmt.J.Vijayalakshmi, the third respondent herein. As such, the admitted position is that the registered owner of the property is the third respondent. Although the petitioner claims rights under an agreement dated 29.11.2010 between the third respondent and himself, any rights relating to such agreement is a matter between the petitioner and the third respondent. To put it differently, the Registration Department is only concerned with the registered owner of the property and not with alleged rights arising out of an agreement between the petitioner and the third respondent. Therefore, a Mandamus cannot be issued to the second respondent as prayed for by the petitioner herein. However, it would be open to the petitioner to initiate appropriate proceedings to canvass rights under the agreement dated 29.11.2010 against the third respondent.

6.Therefore, W.P.(MD).No.16391 of 2021 is dismissed without any order as to costs by leaving it open to the petitioner to initiate appropriate legal proceedings against the third respondent in respect of the rights accruing from the agreement dated 29.11.2010.

Sd/-

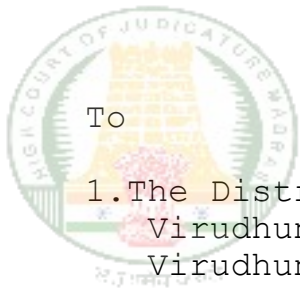
Assistant Registrar (Records)

// 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 District Registrar,
Virudhunagar Registration District,
Virudhunagar.

2.The Sub-Registrar,
Sub-Registrar Office,
Pandalgudi,
Virudhunagar District.

+1 CC to M/s.M.JOTHI BASU, Advocate (SR-29233[F] dated 16/09/2021)

+1 CC to M/s.SPL. GP (SR-29326[F] dated 16/09/2021)

W.P (MD) No.16391 of 2021
15.09.2021

RS (22.09.2021) 3P 5C