



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.10.2021

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD)No.17360 of 2021

WEB COPY

Amirthalingam

... Petitioner

Vs.

The Sub Registrar,
Karur West (Mela Karur) Sub Registrar Office,
Karur Town,
Karur District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to register Sale Agreement dated 26.02.2021, submitted by the petitioner in respect of the properties mentioned in S.No.174/1, (an extent of Acre 0.60 ½ Cent), and S.No.175/A (an extent of Acre 0.50 ½ cent), situated at Thanthoni Village, Karur Taluk, Karur District, on the basis of the petitioner's representation dated 24.03.2021.

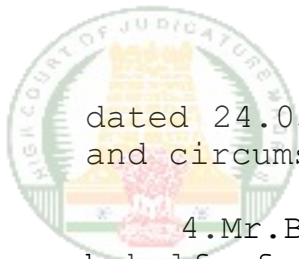
For Petitioner : Mr.S.Deenadhayalan
For Respondent : Mr.B.Saravanan,
Counsel for State.

ORDER

The petitioner seeks a direction to the respondent to register an agreement of sale dated 26.02.2021 in respect of the properties bearing Survey No.174/1 of an extent of 0.60 ½ Cents and Survey No.175/A of an extent of 0.50 ½ Cents at Thanthoni Village, Karur Taluk, Karur District.

2.The petitioner claims title to the above mentioned property under a registered partition deed bearing Document No.8717/2020 dated 11.11.2020. Pursuant thereto, the petitioner states that an agreement of sale dated 26.02.2021 was executed in respect of the share allotted to the petitioner under the above mentioned registered partition deed. Upon submission thereof to the respondent, the petitioner states that he was orally informed that such registration cannot be effected in view of an earlier sale agreement.

3.The petitioner asserts that the earlier sale agreement was executed on 13.01.2009 and that the time limits specified for payment of consideration under the said agreement of sale lapsed more than a decade ago. In addition, it is stated that the respondent has failed to take action in spite of the representation



dated 24.03.2021. The present Writ Petition is filed in such facts and circumstances.

4.Mr.B.Saravanan, learned counsel for the State, appears on behalf of the sole respondent. He submits that the respondent would pass an order on the petitioner's representation on merits and in accordance with law.

5.If a document is presented for registration before the registration authority, it is incumbent on such authority to either effect the registration or issue a reasoned order indicating the reasons for refusing to register the document. In the case at hand, admittedly, there is no order of refusal as on date. The petitioner clarifies that the relevant document is still in the custody of the petitioner.

6.In the facts and circumstances set out above, the petitioner is permitted to re-submit the relevant document for registration, if so intended. Such re-submission shall be made within a period of two (2) weeks from the date of receipt of a copy of this order. Upon receipt of such re-submitted document, the respondent herein is directed to consider the said document and pass a reasoned order within a period of one (1) month from the date of re-submission thereof after providing a reasonable opportunity to the petitioner and any other party to the relevant document.

7.Accordingly, W.P.(MD).No.17360 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg/LM

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,
Karur West (Mela Karur) Sub Registrar Office,
Karur Town,
Karur District.

+1 CC to M/s.S.DEENADHAYALAN, Advocate (SR-31366[F] dated
06/10/2021)

+1 CC to M/s.SPL.GP (SR-31167[F] dated 05/10/2021)

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DJ(CO)/RS (20.10.2021) 3P 4C