



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.12.2021

CORAM

THE HONOURABLE MR.JUSTICE **C.V.KARTHIKEYAN**

W.P. (MD)No.20276 of 2021

1.Maheswaran

2.A.Kannan

... Petitioners

vs.

1.The Inspector General of Registration,
Door No.100, Santhome High Road,
Foreshore Estate, Pattinampakkam,
Chennai - 600 028.

2.The Joint Sub Registrar,
Usilampatti.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned refusal check slip in RFL/Usilampatti/43/2021, dated 25.10.2021 passed by the second respondent and quash the same and consequently, to direct him to register the sale deed, dated 18.10.2021 executed by the first petitioner in favour of the second petitioner.

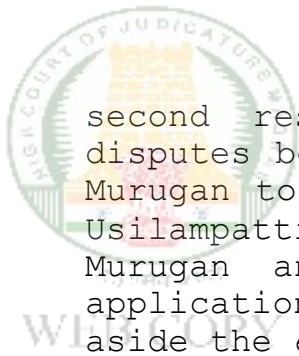
For Petitioners	:Mr.J.Barathan
For R1	:Mr.D.Ghandiraj Special Government Pleader
For R2	:Mr.S.Kameswaran Government Advocate

O R D E R

This Writ Petition has been filed in the nature of Certioarified Mandamus questioning the refusal check slip in RFL/Usilampatti/43/2021, dated 25.10.2021, passed by the second respondent and quash the same.

2.Heard Mr.J.Barathan, learned Counsel for the petitioners, Mr.D.Ghandiraj, leaned Special Government Pleader for the first respondent and Mr.S.Kameswaran, learned Government Advocate for the second respondent.

3.The petitioner herein had entered into an agreement of sale with one Murugan, with respect to an undivided 22-2/5 cents of land out of 42 ½ cents, which is part of 1.62 acres and which is further part of 3.24 acres in S.Nos.278/15, 277/5, 290/1 and 290/2, Nakkalapatti Village, Usilampatti Taluk, Maduari District. With respect to that particular agreement with Murugan, which is dated 07.03.2017, and which had been registered as Doc.No.824/17, by the



second respondent/Joint Sub Registrar, Usilampatti, there were disputes between the petitioner and the said Murugan, necessitating Murugan to file O.S.No.330 of 2019 on the file of the Sub Court at Usilampatti and an ex parte decree had also been passed in favour of Murugan and I am informed that the petitioner had filed an application to condone the delay in filing the application to set aside the ex parte decree.

4.In the meanwhile, the petitioner had proposed to deal with further 20 cents out of 42 ½ cents mentioned aforesaid. This would not, according to the learned Counsel for the petitioner, be detrimental to the interest of Murugan, since the agreement in his favour was with respect of 22 ½ cents. In other words, out of the total available land of 42 ½ cents, the petitioner had entered into an agreement of sale with Murugan for 22 ½ cents and has now entered into another agreement of sale for 20 cents with the second petitioner A.Kannan.

5.When this document was presented for registration, the second respondent had refused to register by pointing that the petitioner had earlier entered into an agreement of sale with Murugan and that document had also been registered and in the teeth of such existing registration of agreement of sale, a subsequent sale deed cannot be registered.

6.The learned Counsel for the petitioner pointed that the issue is no more *res integra*, and it had been resolved by the Division Bench of this Court in the case of **N.Ramayee vs Sub Registrar, Registration Department and another**, reported in **2020 6 CTC 697**, wherein, it had been categorically held that the agreement holder can never claim any right or interest or charge over the property and as provided under Section 104 of the Transfer of Properties Act, the only right which the agreement holder can have is to seek enforcement of the said agreement.

7.In view of these facts, it is obvious that the order now under question in this Writ Petition will necessarily have to be interfered with and it is set aside. Let the petitioner once again present the sale deed for registration and present all the facts before the second respondent and let the second respondent take a considered decision with respect to the registration.

8.With the above observations, this Writ Petition stands allowed. No costs.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

cmr



To

1.The Inspector General of Registration,
Door No.100, Santhome High Road,
Foreshore Estate, Pattinampakkam,
Chennai - 600 028.

2.The Joint Sub Registrar,
Usilampatti.

+1 CC to M/s.T.R. JEYAPALAM, Advocate
(SR-37353[F] dated 06/12/2021)

+1 CC to M/s.SPL GP (SR-37419[F] dated 06/12/2021)

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MGJ(15.12.2021) 3P 5C