



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2022

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.396 of 2022

and

W.M.P.Nos.454 and 455 of 2022

A.Balakrishnan

...Petitioner

Vs

1.The Sub Registrar,
Madukarai Sub Registrar Office,
Coimbatore District.

2.Kandasamy

...Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of impugned order in Tha.Ma.No.48/2021 dated 27.12.2021 passed by the first respondent and quash the same and consequently to direct the 1st respondent to reject the document presented by the second respondent with the respect of the property comprising in Survey No.148 measuring acre 3.46 cents, comprising in Survey No.147 measuring acre 1.50 cents and comprising in S.No.144/2 measuring acre 1.16 cents in this already acres 0.41 cents has been given under Exchange Deed one Arusamy vide Document No.2220/2007 registered at SRO Madhukarai and remaining lands 0.75 cents besides in S.F.No.147/3C in this acre cent all situated at Pichannor Village, Coimbatore South Taluk, Coimbatore District owned by the respondent vide Document Nos. (1) 3584/2006, (2) 5581/2006 & 4963/2006 all registered SRO, Madukkarai, Coimbatore District situated at Pichanoor Village, Coimbatore South Taluk, Coimbatore District which is comes under Madukarai Sub Registrar Office, Coimbatore Registration District based on the petitioner representation dated 27.12.2021.

For Petitioner : Mr.R.Sagadevan

For Respondents : Mr.R.Kumaravel
Additional Government Pleader (for R1)

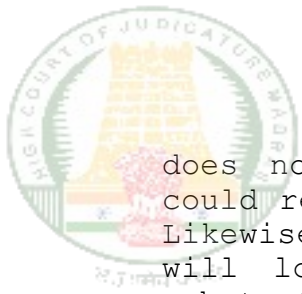
: Mr.C.Prabakar (for R2)



ORDER

This writ petition is filed to issue a Writ of Certiorarified Mandamus to call for the records of impugned order in Tha.Ma.No.48/2021 dated 27.12.2021 passed by the first respondent rejecting the document presented by the second respondent with the respect of the property comprised in Survey No.148 ad-measuring an extent of acre 3.46 cents, comprised in Survey No.147 ad-measuring an extent of acre 1.50 cents and comprised in S.No.144/2 ad-measuring an extent of acre 1.16 cents in this already ad-measuring an extent of acres 0.41 cents has been given under Exchange Deed one Arusamy, vide Document No.2220/2007 registered at SRO, Madhukarai and remaining lands ad-measuring an extent of 0.75 cents besides in S.F.No.147/3C in this acre cent all situated at Pichannor Village, Coimbatore South Taluk, Coimbatore District, owned by the second respondent vide Document Nos.3584/2006, 5581/2006 and 4963/, all registered in SRO, Madukkarai, Coimbatore District, situated at Pichanoor Village, Coimbatore South Taluk, Coimbatore District, which comes under Madukarai Sub Registrar Office, Coimbatore Registration District, based on the petitioner's representation dated 27.12.2021.

2. This Court, by order dated 13.12.2021 in W.P.No.19226 of 2021 filed by the second respondent herein, directed the second respondent re-present the settlement deed for registration along with certified copy of the parent deed. On receipt of the same, the first respondent was directed to conduct enquiry and consider, if any objections are from others and pass orders either register or reject the same. The petitioner submitted detailed objections alleging that the second respondent approached the petitioner for financial assistance through the properties comprised in Survey No.148 ad-measuring an extent of acre 3.46 cents, comprised in Survey No.147 ad-measuring an extent of acre 1.50 cents and comprised in S.No.144/2 ad-measuring an extent of acre 1.16 cents in this already ad-measuring an extent of acres 0.41 cents which has been given under Exchange Deed one Arusamy, vide Document No.2220/2007 registered at SRO, Madhukarai and remaining lands ad-measuring an extent of 0.75 cents besides in S.F.No.147/3C in this acre cent, all situated at Pichannor Village, Coimbatore South Taluk, Coimbatore District owned by the second respondent, vide Document Nos.3584/2006, 5581/2006 and 4963/2006. In order to discharge the loan obtained by him towards his daughter's marriage, due to financial crises, the second respondent entered into an agreement for sale on 03.03.2014 in respect of the aforesaid properties. As per the agreement for sale, the total sale consideration was fixed at Rs.30 lakhs, in which Rs.4 lakhs was paid as advance and part of the sale consideration and the balance sale consideration of Rs.26 lakhs will be paid within 2½ years. There is also default cause that if the second respondent



does not come forward for registration, the agreement holder could register the property by invoking the Specific Relief Act. Likewise and if any default is committed by the petitioner, he will lose 25% of the advance amount. After receipt of the substantial balance sale consideration, the second respondent already handed over the original documents to the petitioner on 14.08.2016.

3. While that being so, the second respondent executed the settlement deed in favour of his family members in respect of the subject properties. Therefore, the petitioner lodged a Police complaint dated 25.12.2021 and also raised objections before the first respondent. However, the second respondent without even producing the original documents, approached the first respondent for registration of settlement deed executed in favour of his family members. He also approached this Court by way Writ Petition in W.P.No.19226 of 2021 and this Court by order dated 13.12.2021, directed the first respondent to conduct enquiry, if any objections made by the petitioner. The petitioner also filed a suit for specific performance in O.S.No.6 of 2022 on the file of the III Additional District Judge, Coimbatore and it is pending as against the second respondent herein.

4. As directed by this Court, the first respondent issued notice to the petitioner to appear for the enquiry to be conducted on 13.02.2022 along with all original documents. Therefore, this Court finds no infirmity or illegality in the impugned notice issued by the first respondent and the Writ Petition is devoid of merits.

5. In the result, this Writ Petition is dismissed. It is made clear that the petitioner already produced the original parent documents in respect of the properties which is intended to settle by the second respondent in favour of his family members by virtue of agreement for sale dated 03.03.2014 and the said property is the subject matter of the suit in O.S.No.6 of 2022 on the file of the III Additional District Judge, Coimbatore. The petitioner is directed to furnish all those documents during the enquiry to be conducted by the first respondent and in the light of the above, the first respondent is directed to pass appropriate orders as directed by this Court by order dated 13.12.2021 in W.P.No.19226 of 2021. Consequently, the connected Miscellaneous Petitions are closed. No costs.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

Sub Assistant Registrar

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To

The Sub Registrar,
Madukarai Sub Registrar Office,
Coimbatore District.

Copy To

The IIIrd Additional District Judge,
Coimbatore.

+1cc to M/s.W.Camyles Gandhi, Advocate SR.No.2665

+1cc to the Government Pleader Sr.No.2988 (27/05/2022)

W.P.No.396 of 2022

BP(CO)
RVM(12/01/2022)