



W.P. No. 15415 of 2013

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

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Dated : **22.11.2022**

CORAM

**THE HONOURABLE MR. JUSTICE M.DHANDAPANI**

W.P. No. 15415 of 2013

and

M.P.No.1 of 2013

1. V. Kumarvel
  2. D. Rajan Dev
  3. S. Deivasigamani
- ... Petitioners

Vs.

1. The Government of Tamil Nadu  
Represented by Secretary to Government,  
Commercial Taxes and Religious Endowments Department,  
Fort St.George, Secretariat, Chennai 600 009

2. The Sub Registrar, Ambattur.

3. M/s Dunlop India Ltd.,  
512 MTH Road, Avadi, Chennai 600 053  
Represented by its Managing Director
- ....Respondents

**Prayer:** Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus calling for the records of the second respondent herein in the Memo dated 02.05.2013 and quash the same and direct the second respondent herein to register the sale agreement dated .04.2013 executed by the petitioners herein in respect of lands comprised in Survey Nos.285 Part 289 Part(289/2A), 503 and 504 of Athipattu Village, Ambattur Taluk and pass orders.



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For Petitioner : M/s P.S. Amal Raj

For Respondents 1 and 2 : Mr. G. Krishna Raja  
Additional Government Pleader

For Respondent 3 : Tapal Returned

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## ORDER

The petitioners have filed this Writ petition to register the sale agreement executed by them in respect of the subject properties.

2. The case of the petitioners are that the petitioners herein have entered into an sale agreement with third parties and when they presented the documents for registration before the second respondent, the same was refused to be registered and passed refusal order dated 02.05.2013 wherein the reasons for refusing to register is

a. proceedings under Section 47 A of Indian Stamp Act is pending,

b. the circular of the Inspector General of Registration dated 22.08.2008 and

c. two writ petitions relating to the subject properties are pending before this Court in W.P.nos.20847 of 2007 and 8222 of 2008.

The petitioners are affected by the refusal order passed by the second



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respondent. Hence they come up with this writ petition to quash the impugned order.

3. The learned senior appearing for the petitioner submits that despite several attempts he is not able to contact the petitioners. However in view of the order which this Court proposes to pass will not affect the petitioners in any manner, the case is taken up for final disposal.

4. The learned Government Pleader have no objection in disposal of the writ petition.

5. Admittedly the facts of the case is not in dispute that the petitioners have presented the sale agreement for registration and the same was refused to be registered by the second respondent and the same was kept pending as pending Documents Nos. 4281 of 2007, 13270 of 2007, 13271 of 2007 and 13272 of 2007 for the above said reasons.



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6. In view of the above facts, this Court is inclined to grant liberty to the petitioners to present the document a fresh after disposal of the 47(a) proceedings and the second respondent is directed to entertain the documents presented by the petitioner after disposal of the 47(a) proceedings if there is no legal impediment.

7. With the above observations, this writ petition stands disposed of. There shall be no order as to costs. Consequently the connected miscellaneous petition is closed.

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Index: Yes/ No

Internet: Yes/No

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To



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**M.DHANDAPANI,J.**

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