



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2022

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.1954 of 2022

and

W.M.P.Nos.2113 & 2114 of 2022

Shafiulla Khan

....

Petitioner

Vs

1. The District Registrar,
Krishnagiri District.

2. The Sub Registrar,
Denkanikottai SRO,
Denkanikottai.

3. Mr.Mohammed Fayaz

4. Mohammed Aejaaz

5. Nayaz

6. Mehar Taj

7. Naseema Taj

....

Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records of the impugned order of the second respondent vide Letter No.25/2022 dated 25.01.2022 and quash the same and consequently directing the second respondent not to make any registration in the property situated in survey No.163/3A1A1 as per new sub division survey No.1333/18, Dry Ex.Hec.0.80.0 in this an extent of 5112 square feet or 460 square meter.

For Petitioner : Mr.R. Balaguru Swamy

For R1 & R2 : Mr.Yogesh Kannadasan
Spl.Government pleader

ORDER

This writ petition has been filed for issuance of Writ of Certiorarified Mandamus, to call for the records of the impugned order of the second respondent vide Letter No.25/2022 dated 25.01.2022 ; quash the same and consequently directing the second respondent not to make any registration in the property situated in survey No.163/3A1A1 as per new sub division survey No.1333/18, to an extent of 0.80.0 hectare.



2. Heard, Mr.R. Balaguru Swamy, learned counsel appearing for the petitioner and Mr.Yogesh Kannadasan, learned Special Government Pleader appearing for the respondents 1 & 2.

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3. The case of the petitioner is that the property, comprised in survey No.163/3A1A1 as per New Sub Division Survey No.1333/18, to an extent of 0.80.0 hectare, was owned by the respondents 3 to 7 herein. They offered to sell the property for a sale consideration of Rs.3,450/- per sq.ft. and total sale consideration is of Rs.1,76,36,400/- in favour of the petitioner and his brothers. The petitioner agreed to purchase the said property and entered into an agreement for sale on 16.07.2021 along with his brothers and paid a sum of Rs.5,00,000/- as advance. Subsequent to the agreement for sale, the respondents 3 to 7 received further advance.

4. However, the respondents 3 to 7 are trying to convey the property to some other third parties and as such, the petitioner submitted objections before the second respondent. On receipt of the same, the second respondent, considered the objections submitted by the petitioner, after conducting enquiry, rejected for the reason that the petitioner failed to produce any document to establish the title of the property and that they cannot stop any deed of conveyance in the above mentioned property and if necessary, to obtain a stay order from the concerned court and submit it in order to stop any further registration on the property. The petitioner and his brothers are agreement holders and the said agreement is also not registered. Even assuming that the said sale agreement is registered one, it is not an impediment to the registering authority to register any deed of conveyance in respect of the subject property. Even while agreement for sale is pending, instead of filing a suit for specific performance, the petitioner approached the second respondent by way of protest petition not to entertain the deed of conveyance in respect of the subject property.

5. In view of the above, this Court finds no infirmity or illegality in the order passed by the second respondent vide Letter No.25/2022 dated 25.01.2022. The writ petition is devoid of merits.

6. In the result, this writ petition stands dismissed. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar



To

1. The District Registrar,
Krishnagiri District.

2. The Sub Registrar,
Denkanikottai SRO,
Denkanikottai.

+1 cc to Government Pleader Sr.NO. 8036

W.P.No.1954 of 2022

gmr (CO)

A.SK(25.02.2022)