



W.P.No.4286 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.03.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.4286 of 2022

Premkumar

...Petitioner

vs.

1. The District Registrar,
Namakal District.
2. The Sub-Registrar,
Paramathi Sub Registrar Office,
Paramathi, Namakal District.

3. Baskar

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent herein to register the sale deed dated 31.12.2021 executed between the petitioner and 3rd respondent herein pending on the file of 2nd respondent herein pursuant to the circular issued by the Registration Department, Chennai, Vide No.24011/C1/2020, dated 08.10.2020.

For Petitioner : Mr.R.Ramar

For Respondents : Mr.Yogesh Kannadasan

Special Government Pleader for RR1 & 2



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ORDER

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2. Since no adverse order is being passed against the private respondent, notice to the private respondent is dispensed with.

3. The case of the petitioner is that, the property in S.Nos.218/1 and 218/2 to of extent of 3.94 and 3.94 Acres respectively at Paramthi Thidumal Village, originally belonged to One Karuppan, who executed a Will in favour of his grand children and the same was registered, vide Document No.14 dated 30.06.1985. After the demise of the said Karuppan on 27.08.1993, the grand children, namely the petitioner and the other legal heirs of the said Karuppan, divided the above property into equal share by



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way of partition and the same was registered, vide Document No.729, dated 27.02.2013. Thereafter the legal heirs of said Karuppan executed a Power of Attorney in favour of the petitioner, vide Document No.734 dated 27.02.2013. Further, the petitioner entered into a Sale Agreement with one Maniyan. The said Maniyan paid only the advance of Rs.3,00,000/- for the said property and thereafter, he did not come forward to pay the balance sale consideration and have the sale deed executed in his favour. Thereafter, the petitioner executed a sale deed in favour of the 3rd respondent on 31.12.2021 and the same was presented before the 2nd respondent for registration on 10.01.2022. But the said sale deed was rejected on the ground that the above sale agreement dated 13.11.2015 is pending on the file of 2nd respondent. Though, the petitioner explained the 2nd respondent by way of showing the Circular issued by the Head of Registration Department, vide No.24011/C1/2020 dated 08.10.2020, the 2nd respondent has not acceded to the request of the petitioner. Hence, the petitioner has come up seeking the aforesaid relief.

4. This Court paid its careful consideration to the submissions advanced by the learned counsel on either side and perused the materials



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available on record.

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5. It is not in dispute that initially the petitioner has only entered into a sale agreement with one Maniyan, who paid a certain amount as advance, but, thereafter, did not come forward to honour the sale agreement. The said sale agreement was entered into in the year 2015. However, nothing has gone through since 2015 and only in the year 2021, the purchaser having not honoured the sale agreement, by entering into a sale deed with the petitioner, the petitioner had entered into the sale transaction with the third respondent and executed the sale deed on 31.12.2021. The said transaction has been entered into between the petitioner and the third respondent after about six years.

6. It is fairly submitted by the learned Special Government Pleader that pendency of Sale Agreement is not a bar for registration of the sale deed. In this regard, the reliance placed on the circular issued by the Registration Department dated 08.10.2020 definitely stands in favour of the petitioner. Such being it is to be case, the 2nd respondent cannot desist from



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registering the sale deed submitted by the petitioner, that too in the absence of any claim made by any third party. In the case on hand, it is not the case of the 2nd respondent that any rival claim has been made with regard to the sale transaction. Therefore, the 2nd respondent is duty bound to register the sale deed in terms of the Registration Act.

7. For the reasons aforesaid, the 2nd respondent is directed to entertain and register the sale deed dated 31.12.2021 executed between the petitioner and the 3rd respondent in the light of the circular issued by the Registration Dept., Chennai, vide No.24011/C1/2020 dated 08.10.2020 within a period of twelve weeks from the date of receipt of a copy of this order.

8. This writ petition is disposed of with the aforesaid directions. No costs.

01.03.2022

rap/skt

Index : Yes/No
Speaking order : Yes/No



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M.DHANDAPANI, J.

rap

To

1. The District Registrar,
Namakal District.
2. The Sub-Registrar,
Paramathi Sub Registrar Office,
Paramathi, Namakal District.

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