



W.P.No.25370 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2022

CORAM :

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.25370 of 2013
and M.P.No.1 of 2013

M.Vijayakumar

.. Petitioner

Versus

1. Inspector General of Registration,
Registration Department,
Santhome, Chennai.

2. The Sub-Registrar,
K.V.Kuppam Sub-Registrar Office,
K.V.Kuppam, Vellore District.

3. K. Tamil Selvan

4. K. Dayalamurthy

(R3 & R4 impleaded as per order
dt. 09.12.2013 in M.P.No.2 of 2013)

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus, directing the respondents herein to register and release the document presented by the petitioner for registration on 02.11.2007 and allotted P.D.No.50/2007 on the file of the second respondent.

For Petitioner : Mr.A.Jenasenan



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For Respondents 1 & 2 : Mr.D.Ravichander
Special Government Pleader
For Respondent 4 : Mr.M.Rajendiran

ORDER

Though, this matter is wrongly posted under the caption, 'for being mentioned', however, the earlier Order having not been signed, the matter was heard further and disposed of by way of this Order.

2. The petitioner has filed this petition seeking direction to the respondents herein to register and release the document presented by the petitioner for registration on 02.11.2007 and allotted P.D.No.50/2007 on the file of the second respondent.

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

4. The case of the petitioner is that the petitioner entered a sale agreement with the third respondent for properties comprised in S.Nos.253/1A, 253/2B, 254/3C/2, 254/4A2 & 256/2 situated at Pillanthipattu Village, K.V.Kuppam Registration Sub-District, Katpadi Taluk, Vellore District



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measuring an extent of 1.18 acres for a sale consideration of Rs.1,10,000/- and paid an advance of Rs.1,00,000/-. However, the third respondent has not come forward to register the sale deed. Therefore, the petitioner has filed O.S.No.56 of 2007 before the Subordinate Judge, Gudiyatham, seeking for specific performance of the agreement dated 05.01.2005 and the same was decreed on 03.10.2007. Pursuant which, the third respondent executed a sale deed in favour of the petitioner on 02.11.2007, which was also presented before the second respondent and allotted P.D.No.50 of 2007. But, the second respondent has not taken any steps to register the document. Suppressing the above facts, the third respondent erroneously executed a sale deed in favour of fourth respondent viz., K.Dayalamurthy in respect of the subject property and the same was also registered by the second respondent. When the petitioner presented the sale agreement for registration before the second respondent on 02.11.2007, the second respondent has failed to register the document and kept the same as pending. Hence, this writ petition.

5. The learned counsel for the petitioner submitted that the petitioner presented the sale deed in the year 2007, based on the decree obtained by him



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in O.S.No.56 of 2007 dated 03.10.2007 from the Subordinate Judge, Gudiyatham. However, subsequently, the very same vendor, i.e., the third respondent executed a sale deed in favour of the fourth respondent and the same is also registered by the respondent.

6. Though very many grounds have been raised in this writ petition, the learned counsel for petitioner submitted that it would suffice, if this Court grants liberty to approach the competent Civil Court for cancellation of the sale deed executed in favour of the fourth respondent or before the authority in the manner known to law.

7. Heard the learned counsel appearing on either side and perused the materials placed on record.

8. Considering the limited request made by the learned counsel for the petitioner, this Court without going into the merits of the case, grants liberty to the petitioner to work out his remedy in the manner known to law.



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9. With the aforesaid direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No

Speaking Order : Yes/No

To:

1. Inspector General of Registration,
Registration Department,
Santhome, Chennai.

2. The Sub-Registrar,
K.V.Kuppam Sub-Registrar Office,
K.V.Kuppam, Vellore District.

M.DHANDAPANI,J.

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