

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.16054 of 2022

P.Anbanandhan

...Petitioner

Vs.

The Sub-Registrar,
The Sub-Registrar Office,
Avinashi,
Tiruppur District.

...Respondent

Prayer:-Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the Refusal Check slip in refusal number RFL/Avinasi/9/2022 dated 27.05.2022 and to quash the same as illegal, incompetent and ultravires and consequently direct the respondent to register the Lok Adalat Award judgment dated 24.01.2017 in O.S.No.405 of 2016 on the file of the Sub Judge, Avinashi and to return the documents on its registration.

For Petitioner : Mr.A.Thiyagarajan

For Respondent : Mr.Yogesh Kannadasan
Special Government Pleader

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus to direct the respondent to register the Lok Adalat Award judgment dated 24.01.2017 in O.S.No.405 of 2016 on the file of the Sub Judge, Avinashi and to quash the Refusal Check slip in refusal number RFL/Avinasi/9/2022 dated 27.05.2022

2.The learned Special Government Pleader takes notice for the respondent. In view of the consent expressed by the Learned counsel appearing for either side, this petition is taken up for final disposal.

3.The case of the petitioner is that the property situated in S.No.754/2-A-2, Thekkalur Village, Avinashi Taluk, Thiruppur District, measuring to an extent of 0.75 cents is owned by one Kaliammal, Senthilkumar and Mayangammal. The petitioner entered into a sale agreement dated 03.10.2012 with the above said Kaliammal, Senthilkumar and Mayangammal in respect of said

property for sale consideration of Rs.9,00,000/- and he paid an advance of Rs.7,00,000/- on the date of sale agreement. As per the sale agreement dated 03.10.2012, said Kaliammal, Senthilkumar and Mayangammal should execute a sale deed in favour of the petitioner after receiving the judgment and decree in S.A.No.1588 of 1996 and after receiving patta in their favour and they agreed to execute a sale deed within a period of six months from the date of receipt of patta for the said property. Though, the said Kaliammal, Senthilkumar and Mayangammal received judgment and decree in S.A.No.1588 of 1996 and after receipt of patta, they failed to execute the sale deed in favour of the petitioner. As a result, the petitioner filed O.S.No.405 of 2016 and the same was settled before Lok Adalat, Avinashi, thereby directing the said Kaliammal, Senthilkumar and Mayangammal to receive the balance sale consideration of Rs.2,00,000/- and to execute a sale deed in favour of the petitioner. Thereafter, the petitioner made a representation dated 27.05.2022, before the respondent. Since the same has not been considered, the petitioner has filed the present Writ Petition seeking the aforesaid relief.

4.Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court issues direction to the respondent to consider the petitioner's representation dated 27.05.2022 and pass orders on the same within a particular time frame fixed by this Court.

5.The learned Special Government Pleader has no objection for said order being passed and he fairly conceded that the petitioner's representation dated 27.05.2022 will be considered and appropriate orders will be passed within the time stipulated by this Court.

6.In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case directs the respondent to consider the petitioner's representation dated 27.05.2022 on merits and in accordance with law and pass appropriate orders, within a period of twelve weeks from the date of receipt of a copy of this order.

7. Accordingly, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

ep/sk

To

The Sub-Registrar,
The Sub-Registrar Office,
Avinashi,
Tiruppur District.

+1cc to M/s.A.Thiyagarajan, Advocate, S.R.No.39499

+1cc to the State Government Pleader, High Court,
Madras S.R.No.40081

W.P.No.16054 of 2022

SJ(CO)
RGA(18/07/2022)