



W.P.No.28909 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2022

CORAM

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

W.P.No.28909 of 2022

P.Sivasamy

.. Petitioner

Vs.

The Sub-Registrar,
Mettupalayam Sub Registrar Office,
Mettupalayam,
Coimbatore-641 301.

.. Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ or Order or Direction, or more in the nature of a Writ of Mandamus to direct the respondent to assign the number to sale deed registered on 18.10.2022 in favour of the petitioner in pending document No.P36 of 2022 on the file of the respondent and return the original sale deed to the petitioner.

For Petitioner : M/s.K.Mahesh

For Respondents : Mr.E.Vijay Anand,
Additional Government Pleader



W.P.No.28909 of 2022

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ORDER

The present petition has been made seeking a direction to the respondent to assign the number to the sale deed which was registered on 18.10.2022 in favour of the petitioner and return the original sale deed to the petitioner.

2. Mr.E.Vijay Anand, learned Additional Government Pleader takes notice for respondents.

3. It is the case of the petitioner that he had entered into a sale agreement with one Rangasamy on 22.06.2022 in order to purchase the land to an extent of about 17.62 acres situated at Sikkadasampalayam Village, Mettupalayam Taluk, Coimbatore District. The said Rangasamy died on 21.06.2013, which was even prior to the conclusion of the said sale agreement, however, after his demise, vide the registered will dated 17.07.2007, the property to an extent of about 13.48 acres, devolved upon his daughter namely Harsha. Thereafter, the petitioner had purchased the above said property from said Harsha vide the Registered Sale Deed dated



W.P.No.28909 of 2022

18.10.2022 and placed the same for registration before the respondent.

However, the respondent has kept the sale deed pending registration insisting upon the petitioner to produce the original will though the certified copy of the same was produced at the time of registration. Therefore, the petitioner made a representation seeking to return the document, however, till date, the respondent had not considered the same. Hence, the present petition has been filed.

4. Learned counsel for the petitioner submits that already the petitioner had filed a suit in O.S.N.425 of 2015 with regard to the aforesaid property, on the file of the District Court, Coimbatore and the same is pending, in which, the original copy of the registered will dated 17.07.2007 has been marked as exhibit. Therefore, this may direct the respondent to entertain the document placed for registration on the basis of the certified copy of the will filed by the petitioner and pass appropriate orders on merit within the time that may be stipulated by this Court.



W.P.No.28909 of 2022

5. On the above contentions, this Court heard the learned

Additional Government Pleader appearing for the respondent.

6. In view of the suit pending before the trial court, this Court without going into the merits of the case, directs the respondent herein to entertain the document, on the basis of the certified copy of the registered will dated 17.07.2007 produced by the petitioner at the time of registration and pass appropriate orders on the same in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order, without insisting for the original registered will if it is otherwise in order.

7. Accordingly, this Writ Petition is disposed of with the aforesaid direction. No Costs.

01.11.2022

NHS

Index : Yes / No

Internet : Yes / No



W.P.No.28909 of 2022

To

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W.P.No.28909 of 2022

M.DHANDAPANI, J.

NHS

W.P.No.28909 of 2022

01.11.2022