



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:07.03.2022

CORAM:

THE HONOURABLE **MR. JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.4075 of 2022

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1. K.Ayyappan
2.K.Alex Koshi

... Petitioners

/Vs./

1. The District Registrar,
Registration Department,
Cheranmahadevi,
Tenkasi District.

2. The Sub Registrar,
Sub Registrar Office,
Kadayam,
Tenkasi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing respondent Nos.1 and 2 to remove the entry of sale Agreement in Document No.4842 of 2011 dated 08.09.2011 from the index of their records within the time frame fixed by this Court.

For Petitioners	: Mr.Mahaboob Fazil for J.Pandi Dorai
For Respondents	: Mr.S.Shanmugavel Additional Government Pleader

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents to remove the entry of sale Agreement in Document No.4842 of 2011 dated 08.09.2011 from the index of the records maintained by the respondents, within a time frame to be fixed by this Court.

2.It is the case of the petitioners that they are the absolute owners of the properties comprised in S.Nos.135/1, 135/2A, 135/2B, 136/1, 136/2A, 136/2B and 137/4B and 137/4B situated at Kovinthapuri Village, Tenkasi, measuring an extent of 8 acres and 47 cents.



According to them, an agreement of sale dated 08.09.2011 has been registered as Document No.4842 of 2011. They agreed to sell the aforementioned properties to Mr.Palpandian. However it is their case that Mr.Palpandian, did not pay the balance sale consideration in order to get a sale deed executed and registered in his favour.

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3.It is also the case of the petitioners that his whereabouts is also not known. In such circumstances, they have given a representation on 24.02.2022 to the respondents seeking for removal of the sale Agreement in Document No.4842 of 2011 dated 08.09.2011 from the index of the records maintained by the respondents. Since the said representation has not been considered till date, this writ petition has been filed.

4.Heard Mr.Mahaboob Fazil, learned counsel for the writ petitioners and Mr.S.Shanmugavel, learned Additional Government Pleader, who accepts notice on behalf of the respondents.

5.The learned Additional Government Pleader, on instructions, would submit that Mr.Palpandian/purchaser under the sale agreement dated 08.09.2011 has sent a legal notice to the respondents informing them that he is willing to perform the terms and conditions of the sale agreement dated 08.09.2011 by paying the balance sale consideration to the petitioners. However, the learned counsel appearing for the petitioners would submit that after a lapse of more than 11 years, the said request cannot be accepted by the petitioners, as it is barred by limitation.

6.After giving due consideration to the submissions made by the respective counsel, this Court is of the considered view that no prejudice will be caused to the respondents or Mr.Palpandian/purchaser under the sale agreement dated 08.09.2011, if the petitioners' request for removal of the entry of sale agreement dated 08.09.2011 registered as Document No.4842 of 2011 in the index of the records of the respondents is considered on merits and in accordance with law, after affording a fair hearing to the petitioners and Mr.Palpandian/purchaser under the sale agreement dated 08.09.2011 and any other necessary parties, whom the respondents deem fit to enquire.

7.Accordingly, this Court directs the second respondent to consider the petitioners' representation dated 24.02.2022 seeking for removal of the entry of sale agreement dated 08.09.2011 registered as Document No.4842 of 2011 from the index of the records of the respondents and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioners and Mr.Palpandian/purchaser under the sale agreement dated 08.09.2011 and any other necessary parties, whom the respondents deem fit to enquire, within a period of twelve [12] weeks from the date of receipt of a copy of this order.



8. With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs.

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Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

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NOTE: *In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.*

To

1. The District Registrar,
Registration Department,
Cheranmahadevi,
Tenkasi District.
2. The Sub Registrar,
Sub Registrar Office,
Kadayam, Tenkasi District.

+1 CC to M/s.SPL GP (SR-10561[F] dated 08/03/2022)

+1 CC to M/s.J.PANDI DORAI, Advocate (SR-10546[F] dated 08/03/2022)

order made in
W.P. [MD]No.4075 of 2022
07.03.2022

PKP/22.03.2022/3P/5C