



W.P.(MD)No.22434 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 23.09.2022

CORAM

THE HONOURABLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition (MD) No.22434 of 2022

K.Karthikeyan

.. Petitioner

Versus

1.The District Registrar,
Nagercoil,
Kanyakumari District.

2.The Sub-Registrar,
Marthandam Joint II SRO,
Marthandam,
Kanyakumari District.

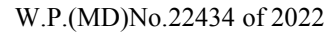
3.K.Prabha

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondents 1 and 2 not to register any document in respect of the property in New S.F.Nos.140/4, 140/11 and 140/20 (Old S.F.Nos.2058/A and 2058/B), measuring an extent of 1 Acre and 14 Cents at Kunnathur Village, Vilavancode Taluk, Kanyakumari District, based on the petitioner's representation dated 13.09.2022.

For Petitioner : Mr.K.Gokul

For Respondents 1 and 2 : Ms.S.Jayapriya
Government Advocate



The petitioner has prayed for issuance of a Writ of Mandamus, to direct the respondents 1 and 2 not to register any document in respect of the property in New S.F.Nos.140/4, 140/11 and 140/20 (Old S.F.Nos.2058/A and 2058/B), measuring an extent of 1 Acre and 14 Cents at Kunnathur Village, Vilavancode Taluk, Kanyakumari District, based on his representation dated 13.09.2022.

2. Heard Mr.K.Gokul, learned counsel appearing for the petitioner and Ms.S.Jayapriya, learned Government Advocate, who takes notice for the respondents 1 and 2. By consent of learned counsel appearing for the parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. According to the petitioner, the third respondent namely, K.Prabha is having a commercial industrial building, which is worth about Rs.90 Lakhs, in New S.F.Nos.140/4, 140/11 and 140/20 [Old S.F.Nos.2058/A and 2058/B], measuring an extent of 1 Acre and 14 Cents, situated at Kunnathur Village, Vilavancode Taluk, Kanyakumari District. The petitioner was interested in buying the said property belonging to the third respondent, for which, he approached her and paid a sum of Rs.5 Lakhs as advance and entered into an agreement of sale on 31.03.2021 with her. The petitioner submits that the



W.P.(MD)No.22434 of 2022

third respondent agreed to execute the sale deed after two months. The petitioner was an illiterate and did not know English. Taking advantage of his illiteracy, the third respondent made the sale deed agreement and mentioned the property value and sale consideration value as Rs.4 Crores and 20 Lakhs, but actually, the petitioner was under the impression that the agreement was prepared for Rs.90 Lakhs only. After two months, the petitioner approached the third respondent to execute the sale deed. At that time, the third respondent informed the petitioner that she is suffering from COVID-19. Thereafter, she failed to execute the sale deed and dragged on the matter. After sometime, the petitioner came to know that a suit in O.S.No.176 of 2021 is pending before the Sub-Court, Kuzhithurai, and he has not been arrayed as a party. Further, the third respondent entered into a sale agreement, dated 28.01.2022, for Rs.4 Crores and 20 Lakhs, with one Subramonian, S/o.Vasanthan.

4.Further, according to the petitioner, the third respondent is a habitual offender and she used to enter into sale agreements with several persons, collecting money and cheating them. Further, the petitioner came to know that the third respondent is trying to create a forged sale deed and execute the same to the third parties on 26.09.2022. The petitioner has already sent a representation dated 13.09.2022 to the first respondent, making an objection



W.P.(MD)No.22434 of 2022

not to register any deed for the subject property. Since no steps have been taken by the authorities concerned so far and the third respondent is a very influential person with money and muscle power, the petitioner apprehends that she will influence the second respondent and get the sale deed executed. If they are allowed to do so, the petitioner would be put to irreparable loss and hardship. Hence, the petitioner has approached this Court by way of filing the present Writ Petition for the relief stated supra.

5.From the typed set of papers, it is seen that the petitioner has entered into an agreement of sale with the third respondent in Rs.100/- stamped papers, dated 31.03.2021, obtained from Kerala, with certain conditions. Further, the third respondent has entered into a sale agreement dated 28.01.2022 with one Subramonian. Thereafter, the third respondent is trying to execute a sale deed dated 26.09.2022 in favour of some third parties. Hence, the petitioner has approached the authorities, requesting them not to register any document with regard to the subject property. Further, it is seen that all the agreements are unregistered documents. Unless and until there is a Court's direction refraining the authorities from registering any document, they will register the same based on the documents produced. Here is a case, the petitioner is alleged to have been cheated by the third respondent based on the unregistered document, which is not binding on the registering authority.



W.P.(MD)No.22434 of 2022

Generally, under the provisions of Section 54 of the Transfer of Property Act, 1882, when the value of immovable property is Rs.100/- or more, it should be registered. If at all, the petitioner is aggrieved by the act of the third respondent, he has to approach the competent forum to redress his grievance and he cannot straightway approach this Court under Article 226 of the Constitution of India and seek direction to the respondents 1 and 2 to restrain them from registering any document in respect of the subject property.

6.In view of the above, this Court is not inclined to accept the prayer sought for by the petitioner and accordingly, the Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed. The petitioner is at liberty to proceed against the third respondent, if so advised, in the manner known to law.

Index : Yes/No

23.09.2022

To

- 1.The District Registrar,
Nagercoil,
Kanyakumari District.
- 2.The Sub-Registrar,
Marthandam Joint II SRO,
Marthandam,
Kanyakumari District.



WEB COPY



W.P.(MD)No.22434 of 2022

V.BHAVANI SUBBAROYAN, J.

smn2

Order made in
W.P.(MD) No.22434 of 2022