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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.10.2022

CORAM:

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.23394 of 2022

A.Muthammal
W/o.S.Ayyanan ... Petitioner

Vs.

The Sub Registrar,
Joint II Periyakulam Sub Registrar Office,
Periyakulam Taluk,
Theni District ... Respondent

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, to direct the respondent to consider the petitioner representation dated 05.07.2022 and consequently to direct the respondent to register the sale deed dated 06.06.2022 as per online registration dated 03.06.2022 in favour of the purchaser may be fix the stipulated time.

For Petitioner : Mr.T.R.Subramanian

For Respondent : Mr.K.S.Selvaganeshan
Additional Government Pleader

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ORDER

This Writ Petition has been filed seeking a writ of Mandamus, to direct the respondent to consider the petitioner's representation dated 05.07.2022 and consequently, to direct the respondent to register the sale deed dated 06.06.2022 as per online registration, dated 03.06.2022 in favour of the purchaser.

2.Mr.K.S.Selvaganesan, learned Additional Government Pleader takes notice for the respondent. By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

3. The case of the petitioner is that the petitioner is the grandson of minor A.Vasanth. She purchased the property in her grandson's name on 18.11.2011 by way of registered sale deed in Document No.3757 of 2011 for sale consideration of Rs.3,21,135/- (Rupees Three Lakhs Twenty One Thousand One hundred and Thirty Five only) to an extent of 2 acres 37 cents. The petitioner's son is not doing any work and not taking care of the his son/A.Vasanth and his mother/petitioner also. The petitioner's grandson, namely, A.Vasanth is studying very well and the petitioner is having old age ailments. There is no other option to meet out any medical expenses and

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expenses for the study of Minor Granson/A.Vasanth. Therefore, the petitioner decided to sell the property to the third party and she executed a sale deed in favour of the third party, dated 03.06.2022 by way of online registration, but the respondent orally refused to register the sale deed without reading of the sale deed. This act of the respondent is in violation of the Registration Act and the respondent stated that the petitioner is not entitled to execute the sale deed in favour of third party on behalf of her minor Grandson.

4. The learned counsel for the petitioner submitted that only considering the petitioner's Grandson future and on his interest, the petitioner decided to sell the property to the third party and the same was refused by the respondent without any valid reason. Hence, this petition has been filed.

5. Heard Mr.K.S.Selvaganeshan, learned Additional Government Pleader appearing for the respondent and perused the materials available on record.

6. Considering the facts and the circumstances of this case, this Court feels that the Writ Court has no jurisdiction to decide the issue. Therefore, the petitioner shall approach the competent Court/Civil Court through appropriate proceedings for redressing her grievances.

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With the above said liberty, this Writ Petition is dismissed. No costs.

12.10.2022

Index : Yes / No
Internet : Yes / No
tta

To

The Sub Registrar,
Joint II Periyakulam Sub Registrar Office,
Periyakulam Taluk,
Theni District

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V.BHAVANI SUBBAROYAN,J.

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