



W.P.(MD)No.26429 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 23.11.2022

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THE HONOURABLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN

W.P. (MD) No.26429 of 2022

R.Karthikeyan

.. Petitioner

Vs.

1.The District Registrar,
Theni District, Theni.

2.The Sub -Registrar,
Uthamapalayam,
Uthamapalayam Taluk,
Theni District.

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the second respondent to register the sale deed in RFL/Uthamapalayam/2/2022, dated 14.04.2022 based on the order passed by the first respondent vide proceedings in Na.Ka.No. 3105/AA1/2022 to register the sale deed by the second respondent in S.No. 360/1 to an extent of 0.58 hectare i.e., 1 acre 43 cents Agricultural land bearing joint patta No.2343 situated at Royappanpatty Village, Uthamapalayam Taluk, Theni District within the jurisdiction of Sub-Registrar Office, Uthamapalayam, Theni District and direct the second respondent to register the draft deed, No.TP/117040722/2022, within the stipulated period as prescribed by this Court.



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For R1 & R2 : Mr.S.R.A.Ramachandran
Additional Government Pleader

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ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus, directing the respondents to register the sale deed in RFL/Uthamapalayam/2/2022, dated 14.04.2022 based on the order passed by the first respondent vide proceedings in Na.Ka.No.3105/AA1/2022, to register the sale deed by the second respondent in S.No.360/1 to an extent of 0.58 hectare i.e., 1 acre 43 cents Agricultural land bearing joint patta No.2343 situated at Royappanpatty Village, Uthamapalayam Taluk, Theni District within the jurisdiction of Sub-Registrar Office, Uthamapalayam, Theni District and direct the second respondent to register the draft deed, No.TP/117040722/2022, within the stipulated period as prescribed by this Court.

2.Heard Mr.S.Balaji, learned counsel for the petitioner and Mr.S.R.A.Ramachandran, learned Additional Government Pleader, who takes notice for the respondents. By consent of both the parties, this writ petition is taken up for final disposal at the admission stage itself.



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WEB COPY 3. The grievance of the petitioner is that the sale deed submitted by the petitioner was refused to be registered by the respondents without any proper reasons.

4. The learned counsel for the petitioner submitted that the petitioner purchased the property in S.No.360/1 to an extent of 0.58 hectare situated at Royappanpatty Village, Uthamapalayam Taluk, Theni District. He presented the sale deed for registration before the second respondent. But the same was returned by the second respondent without assigning proper reasons. Hence, the petitioner filed an appeal before the first respondent. The petitioner was directed to submit all the necessary documents before the second respondent and the second respondent was also directed to register the sale deed in accordance with the Registration Rules. Accordingly, the petitioner submitted all the relevant documents before the second respondent. Even then, the second respondent refused to consider the claim of the petitioner. Hence, the petitioner has filed the present writ petition.

5. The learned Additional Government Pleader appearing for the respondents submitted that while scrutinizing the encumbrance certificate as required by the Head of the Registration Department, it was found that the



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mortgage deed and the lease deed in respect of the petition mentioned property, had not been nullified and hence, the registration of the sale deed presented by the petitioner was refused by the second respondent.

6.Considering the facts and circumstances of the case, this Court without expressing any opinion on the merits of the matter, directs the petitioner to submit all the relevant documents before the second respondent. On receiving the same, the second respondent is directed to consider and pass appropriate orders on the same, on merits and in accordance with law, after affording a fair opportunity of hearing to the petitioner, as well the rival claimants, if any, within a period of twelve [12] weeks from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition is disposed of. No costs.

23.11.2022

Index : Yes/No
Internet : Yes/No
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To

- 1.The District Registrar,
Theni District, Theni.
- 2.The Sub -Registrar,
Uthamapalayam,
Uthamapalayam Taluk,
Theni District.



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V.BHAVANI SUBBAROYAN, J.

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Order made in
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