



WP(MD) No.284 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 07.03.2023

CORAM

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

WP(MD) No.284 of 2022

P.V. Dharmalingam

... Petitioner

Vs.

1.The District Registrar,
District Registrar Office,
171, Palace Road,
Madurai Road,
Madurai District.

2.The Sub Registrar,
Sub-Registrar Office,
Melur,
Madurai District.

3.Balakrishnan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to call for the records pertaining to issue a Writ of Mandamus directing the 2nd respondent to receive the petitioner sale deed, dated 17.08.2021 temporary Registration No.TP/104460691/2021 and register same.



WEB COPY



WP(MD) No.284 of 2022

For Petitioner : Mr.R. Murugappan

For Respondents : Mr. C. Satheesh
Government Advocate

ORDER

This Writ Petition has been filed in the nature of Mandamus directing the 2nd respondent to receive the petitioner's sale deed, dated 17.08.2021, having temporary Regn.No.TP/104460691/2021 and register the same in accordance with Rules and Regulations.

2. The petitioner had earlier filed WP(MD).No.18315 of 2021 in the nature of Certiorarified Mandamus to call for the records of check slip, which had issued by the second respondent in Check Slip – 6, dated 19.08.2021, refusing to register the sale deed which was presented for registration by Regn.No. TP/104460691/2021, dated 17.08.2021. A learned Single Judge of this Court had directed that the sale deed may be represented again before the second respondent within a period of two weeks from the date of receipt of a copy of that order. In the affidavit it is stated that the petitioner fell ill and hence, he could not comply with that particular direction.



WP(MD) No.284 of 2022

3. The learned counsel appearing for the petitioner states that further time may be granted for presentation of the document.

4. The learned Government Advocate appearing for the respondents would submit that on earlier occasion, the petitioner had not produced the title deed of the property and that the Sub Registrar had refused to register the document. It is stated that the property originally belonged to one Paneer Mohammed and he had given a temporary power in the name of Balakrishnan. The petitioner proposed to purchase from the said Balakrishnan. It is stated that however, the property has been attached by the Enforcement Directorate by an order dated 27.03.2017. It is therefore stated that even if the sale deed is presented the same could not be registered.

5. In reply, the learned counsel for the petitioner submits that the attachment has been raised subsequently and hence, that fact has to be verified by the second respondent, Sub Registrar.

6. I grant liberty to the petitioner to again present the documents for registration. After following due procedure and the



WP(MD) No.284 of 2022

examination of the documents relating to attachment of the properties by the Enforcement Directorate, previous title and also whether the power of attorney in favour of Balakrishnan is still in force, the second respondent shall reconsider the matter on merits. If the presentation of the document is beyond the period of limitation, it is left open to the petitioner to present a fresh sale deed duly executed by the title holder of the property.

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

07.03.2023

Index : Yes/No
Internet : Yes /No

trp



WP(MD) No.284 of 2022

WEB COPY

To

1.The District Registrar,
District Registrar Office,
171, Palace Road,
Madurai Road,
Madurai District.

2.The Sub Registrar,
Sub-Registrar Office,
Melur,
Madurai District.



WEB COPY



WP(MD) No.284 of 2022

C.V.KARTHIKEYAN, J.,

trp

WP(MD) No.284 of 2022

07.03.2023