



W.P(MD)No.7917 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.7917 of 2023

A.K.Thinakaran

... Petitioner

Vs.

1.The Sub Registrar
Cholavanthan Sub Registrar Office,
Madurai District.

2.V.Abbas

3.T.K.Vanaja

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned check slip, dated 28.10.2022 issued by the 1st respondent and quash the same as unconstitutional and consequently direct the 1st respondent to register the gift deed of the



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petitioner dated 20.10.2022 which has presented through online vide temporary No. TP/135888122/2022 dated 28.10.2022.

For Petitioner : Mr.S.Sukumar

For Respondents : Mr.M.Prakash - for R1

Additional Government Pleader

Mr.Sulaiha Farveen - for R2

ORDER

The Writ Petition has been filed in the nature of a Certiorarified Mandamus seeking interference with a check slip issued by the first respondent / Sub Registrar, Cholavanthan Sub Registrar Office, Madurai District, dated 28.10.2022 and to consequently direct the said first respondent to register a gift settlement deed executed by the first respondent in favour of the third respondent dated 20.10.2022 which was presented online by temporary No.TP/135888122/2022 dated 28.10.2022.



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2. The only reason why the said gift/settlement deed was refused to be registered by the first respondent was that there was an earlier agreement of sale which the petitioner had entered into with the second respondent.

3. Let me only fall back to the provisions of the Transfer of Property Act, 1882 and more particularly, Section 54 of the said Act, which defines a contract of sale and very clearly states that an agreement holder does not have any charge or interest over the property.

4. Examining this particular issue, a Division Bench had been specially formed in which I was a party. The judgment of the Division Bench had been reported in *2020 (6) CTC 697 in N.Ramayee Vs. The Sub Registrar, Salem District and Another* wherein, it had been very specifically held that mere entry relating to the registration of an agreement of sale cannot be a ground to refuse the registration of a sale deed, provided the sale deed is otherwise in order with respect to stamp duty and registration charges.



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5. The petitioner may therefore, once again present the said gift/settlement deed in manner known to law through online and also enclose a copy of the aforementioned judgment and the first respondent is directed to register the gift/ settlement deed within a period of two weeks from the date of which presentation, provided if it is otherwise in order.

6. With the above directions, this Writ Petition stands disposed of. No costs.

12.06.2023

Index : Yes/No
Internet : Yes/No
NCC : Yes / No

RM



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To

- 1.The Sub Registrar
Cholavanthan Sub Registrar Office,
Madurai District.



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C.V.KARTHIKEYAN, J.

RM

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