



W.P(MD)No.9231 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.9231 of 2023
and
W.M.P(MD) No.8311 of 2023

S.Kalyanaraman

... Petitioner

Vs.

1.The Sub Registrar
Office of Sub Registrar,
Theppakulam,
Madurai,
Now Functioning at
Karuppayoorani,
Madurai.

2.Vaitheeswaran

3.V.Ravichandran

4.K.Anandakumar



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5.Vijayakumar

6.Sadique Basha

7.Ambedkar Raja

8.Madan Mohan

... 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 order of Refusal Check Slip dated 29.03.2023 issued by the first respondent refusing to register the sale deed dated 12.08.2022 executed by the petitioner in favour of eighth respondent herein, quash the same and consequently, direct the first respondent herein to register the sale deed, dated 12.08.2022 executed by the petitioner in favour of eighth respondent herein and return the registered instrument forthwith.

For Petitioner : Mr.S.Srinivasa Raghavan

For Respondents : Mr.M.Prakash - for R1
Additional Government Pleader



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ORDER

The writ petition has been filed questioning a refusal check slip, dated 29.03.2023 issued by the first respondent / Sub Registrar, Theppakulam, Madurai, now functioning at Karuppayoorani, Madurai. By the said refusal check slip, the first respondent had refused to register a sale deed dated 12.08.2022 executed by the petitioner in favour of the eighth respondent.

2. The first respondent had taken a decision not to register the sale deed consequent to the fact that an agreement of sale had been registered and was shown as an encumbrance over the property. The said agreement of sale came to be entered into by the power of attorney agent of the petitioner herein who had been impleaded as the second respondent in the writ petition. He had entered into an agreement of sale with the third to seventh respondents. The petitioner had subsequently revoked the power of attorney. But however, the entry relating to the agreement of sale still subsisted. Holding that there is an existing

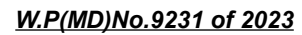


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encumbrance over the property, the sale deed presented by petitioner, was refused to be registered by the first respondent herein.

3. The learned counsel for the petitioner pointed out the provisions under Section 54 of the Transfer of Property Act, which defines not only a sale, but also, a contract of sale and among various stipulations given therein, it had been stated that an agreement holder does not have any charge or interest over the property, merely because, he had entered into a contract of sale or in other terms a contract of sale by itself does not create any charge or interest over the property to the agreement holder. This would effectively mean that the respondents 2 to 7 cannot claim any title over the property or interest over the property. It is also seen that the other party to the agreement of sale namely, the second respondent who was the power of attorney agent of the petitioner had now lost that particular status consequent to the power of attorney being revoked by the petitioner herein.

4. The learned counsel for the petitioner also placed reliance on a judgment of this Court reported in 2020 (6) CTC 697 in *N.Ramayee*



5. The writ petition stands disposed of even without issuing the respondents 2 to 8 consequent to the position of law as stated above and a direction is given to the petitioner herein to represent the petition in proper procedure through online and when it is so done, a further direction is issued to the first respondent, to produce the said document provided adequate stamp duty had been paid and the necessary registration charges have also been paid and if the petition is not otherwise in order. The registration should be effected within a period of 14 working days from the date on which, the petition is again presented by the petitioner herein.



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6. With the above directions, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

20.04.2023

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

RM



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C.V.KARTHIKEYAN, J.

RM

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