



W.P.(MD)No.21439 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.11.2023

C O R A M

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.21439 of 2021

Umarani

... Petitioner

-VS-

1.The District Registrar,
Theni District,Theni

2.The Sub Registrar,
Theni, Theni District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent to register the sale certificate dated 30.06.2000, issued by the District Munsif Court, Periyakulam, in E.P.No.161 of 1993 in O.S.No.91 of 1998, within a time frame fixed by this Court, by collecting stamp duty and registration charges based on the purchase money mentioned in the sale certificate, by considering the petitioner's representation dated 12.04.2021.

For Petitioner : Mr.M.Saravanan

For Respondents : Mr.A.K.Manikkam
Special Government Pleader



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ORDER

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This Writ Petition has been filed for issuance of Writ of Mandamus, directing the second respondent to act upon the representation made by the petitioner, wherein she is seeking for registration of the sale certificate, dated 30.06.2000, issued by the District Munsif Court, Periyakulam, in E.P.No.161 of 1993 in O.S.No.91 of 1998.

2. Heard the learned counsel appearing on behalf of the petitioner and the learned Special Government Pleader appearing on behalf of the respondents.

3. In the considered view of this Court, the issue involved in this Writ Petition is squarely covered by the earlier order passed by this Court in **W.P. (MD)Nos.13903 and 13912 of 2021, dated 06.11.2023 [Maheswari vs. The Inspector General of Registration and two others]**. This Court took into consideration the judgment of the Hon'ble Apex Court in **Esjaypee Impex Private Limited vs. Assistant General Manager and Authorised Officer, Canara Bank** reported in **2021 (2) CTC 493**, and held that a sale certificate



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does not require compulsory registration and it is enough if the same is recorded under Section 89 of the Registration Act, 1908 in Book No.1.

4. In view of the above, there shall be a direction to the second respondent to act upon the sale certificate, dated 30.06.2000 and to make necessary entry in Book No.1. This process shall be completed within a period of four weeks from the date of receipt of a copy of this order

5. This Writ Petition is disposed of with the above direction. No costs.

NCC : Yes/No
Index : Yes/No
SMN2

20.11.2023

To

1.The District Registrar,
Theni District,Theni

2.The Sub Registrar,
Theni, Theni District.



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N.ANAND VENKATESH, J.

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