



W.P.No.1717 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2024
Coram

THE HON'BLE MR JUSTICE N.SATHISH KUMAR

Writ Petition No.1717 of 2024
and
W.M.P.No.1761 of 2024

R.Latha

..... Petitioner

-Versus-

1.The Sub Registrar,
Pallavaram,
Chennai 600 043.

2.A.Krishnan

3.Mrs.Deivanayagi

..... Respondents

Petition filed under Article 226 of The Constitution of India, praying to issue a Writ of Mandamus, forbearing the 1st respondent from registering and releasing the pending sale deed in P.D.No.12021 of 2021 executed by the 2nd respondent in favour of the 3rd respondent.

For Petitioner : Mr.G.Appavoo

For Respondent (s) : Mr.P.Ananda Kumar, GA for R1

Mr.B.Ramesh Babu for RR2 and 3



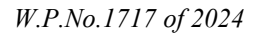
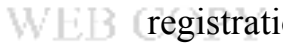
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ORDER

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This writ petition has been filed seeking a writ in the nature of mandamus forbearing the 1st respondent from registering and releasing the pending sale deed in P.D.No.12021 of 2021 executed by the 2nd respondent in favour of the 3rd respondent.

2. It is the case of the petitioner that he was the owner of land measuring 58 cents of punja comprised in S.No.53/A situated at Nanmangalam village, Sholinganallur Taluk, Kancheepuram District, having purchased it by virtue of sale deed dated 23.08.2021 registered as Doc.No.2484 of 2001 from one K.Deenadayalan and others for valuable consideration was in possession and enjoyment of the same. While so, the 2nd respondent approached him promising that he would arrange for financial assistance for him. On 31.05.2006, the 2nd defendant obtained three different General Power of Attorney Deeds in his favour to deal with the land in question. The 2nd respondent had executed more than 20 sale deeds as power agent in favour of various parties and failed to pay the sale consideration to him. After the General Power of Attorney deeds had been cancelled, the 2nd respondent will have no right to deal with the property as Power Agent. However, it is the further case of the petitioner that he came know that a deed of sale executed in



3. The 1st respondent filed counter affidavit *inter alia* contending that though the sale deed was presented for registration, on verification, it was found that requisite stamp duty had not been paid and therefore, the 1st respondent had no other option except to keep the same as pending document and on payment of appropriate stamp duty and registration charges, the document would be registered and returned to the party concerned. There is no power vested with the office of the registration to keep the document without any reason.

5. The only grievance of the petitioner is that the 2nd respondent who was his Power Agent has not paid the sale considerations received from various purchasers. Therefore, according to the petitioner, one of such sale deeds, which is kept pending in the office of the 1st respondent should be directed not to be released.

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passed on to the principal (petitioner), it is for the petitioner (principal) to recover such amount from her agent as contemplated under Section 216 of the Indian Contract Act, 1872. Therefore, if a document is presented for registration with necessary stamp duty and registration charges, the same has to be necessarily registered in accordance with law, and once the document is registered, the registering authorities cannot withhold it unnecessarily. In such view of the matter, the remedy for the petitioner to recover the so-called sale consideration from his power agent lies elsewhere and not under the writ jurisdiction as restraining the 1st respondent-Sub Registrar, Pallavaram, from releasing the sale deed executed by the 2nd respondent representing the petitioner as Power Agent in favour of the 3rd respondent would not serve any purpose under the law. This court does not find any merit in the writ petition and the writ petition is therefore liable to be dismissed.

In the result, the writ petition is dismissed. No costs. Consequently, connected WMP is closed.

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Index : yes / no
Neutral Citation : yes / no
Speaking / Non Speaking Order
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N.SATHISH KUMAR.J.,

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