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W.P.No.4144 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.4144 of 2024

M.K.Ranganathan

...

Petitioner

versus

1.The District Registrar,
Coimbatore – 641 041.

2.The Sub-Registrar,
Gandhipuram,
Coimbatore – 641 035.

3.Damodharan

4.K.R.Sivaraj

...

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 1st respondent to consider the petitioner's daughter representation dated 25.08.2021 consequently direct the respondents 1 and 2 to register the petitioner's pending document No.P73/2019 dated 05.04.2019.

For Petitioner : Mr.T.Nixon

For Respondents : Mr.B.Vijay for R1 and R2
Additional Government Pleader
No appearance for R3
Mr.L.Prabhakaran for R4



ORDER

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This Writ Petition is filed to direct the 1st respondent to consider the petitioner's daughter representation dated 25.08.2021 and consequently direct the respondents 1 and 2 to register the petitioner's pending document No.P73/2019 dated 05.04.2019.

2. It is the case of the petitioner that he had purchased the property situated in Survey No.67/8 in Chinnavedampatti Village, Coimbatore from the 3rd respondent for a total sale consideration of Rs.44,54,000/-. However, the document was kept as a pending document vide Doc.No.P-73/2019 dated 05.04.2019 and the same has not been registered till date. All of a sudden, the 3rd respondent executed another sale deed dated 15.02.2021 vide Doc.No.1790/21 in favour of the 4th respondent without the knowledge of the petitioner. In this regard, the petitioner's daughter made a representation dated 25.08.2021 to the 1st respondent seeking to cancel the subsequent document executed by the 3rd respondent in favour of the 4th respondent and to register the petitioner's pending document. However, the said representation was not considered by the official respondents. Hence, he seeks a direction.



3. Learned counsel appearing for the 4th respondent had filed a counter stating that the 4th respondent had filed a suit in O.S.No.175 of 2018 against the 3rd respondent for recovery of sum of Rs.63,00,000/- and an order of attachment was passed on 03.09.2018, the said order was made absolute on 24.09.2018, which has been communicated to the concerned Sub-Registrar. After the said attachment order, the 3rd respondent executed the sale deed in favour of the petitioner on 05.04.2019. Only on account of the attachment order, the document was kept pending. Thereafter, the suit was decreed on 12.10.2020, based on the compromise entered between them. In lieu of discharge of part of the decree amount, the 4th respondent purchased the property and registered the document vide document number 1790 of 2021 on the file of SRO Ganapathy, Coimbatore. In this regard, the writ petitioner filed a suit in O.S.No.3 of 2022 before the IV Additional District Judge, Coimbatore for declaration of title and the same is pending.

4. This Court gave its anxious consideration to the submission advanced by the learned counsel for the petitioner and the learned counsel appearing for the respondents and perused the materials available on record.



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5. This Court is of the view that the writ petitioner has filed a suit in O.S.No. 3 of 2022 and the rights over the title has to be decided by the Civil Court. However, the respondents 1 and 2 are directed to consider the petitioner's daughter representation dated 25.08.2021 and pass orders with regard to the pending document, so that the petitioner can agitate his right in the pending suit. In any event, the petitioner had purchased the property during the existence of attachment. Therefore, liberty is granted to the petitioner to recover sale consideration from his vendor along with interest as per law.

6. With the above observation, this Writ petition is disposed of.
No costs.

18.07.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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N.SATHISH KUMAR, J.

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