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W.P.No.7540 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.7540 of 2023

P.Karuppasamy

Vs.

... Petitioner

1.The Inspector General of Registration
No. 100 Santhome high Road, Pattinapakkam,
Raja Annamalai Puram,
Chennai 28

2.The District registrar
No. 1/529 Nerupperichal Village,
Pooluvapatti Post,
Tirupur 641 602

3.The Sub Registrar
No. 348 Uthukuli Road, Gobichettipalayam,
Kunnathur, Thiruppur 638 103

4.C.Arunachalam

...Respondents

[R.4 impleaded vide order dated 24.03.2023 made in WMP.No.8742 of 2023 in W.P.No.7540 of 2023 by MSRJJ]



W.P.No.7540 of 2022

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, calling for the records on the file of the 3rd respondent relating to refusal number RFL/Kunnathur/ 13/ 2022 dated 15/09/2022 and quash the same and consequently direct the 3rd respondent to register the sale deed 15/09/2022 executed by the petitioner along with his daughters on 15/9/2022 in favour of (1) Mr. P.Shanmugaraj and (2) P.Mr. Govindaraj and presented by the petitioner for registration in accordance with law.

For Petitioner : M/s.T.Sai Krishnan

For Respondents : M/s.P.Harish, Govt. Advocate
for R.1 to R3.
: M/s.M.Guruprasad
for R.4.

ORDER

Aggrieved by the refusal on the part of the 3rd respondent to register the sale deed dated 15.09.2022 executed by the petitioner and his daughter in favour of one Shanmugaraj and Govindaraj, the petitioner is before this Court.



2.The petitioner's case is that he had originally entered into a registered sale agreement dated 13.02.2007 with the 4th respondent for the sale of the subject property. As per the agreement, the total sale consideration was fixed at a sum of Rs.2,25,000/- and a sum of Rs.1,25,000/- was paid as advance by the 4th respondent. The remaining Rs.1,00,000/- was agreed to be paid within a time limit fixed in the agreement. Thereafter, the 4th respondent had failed to pay the balance sale consideration within time limit and the sale deed was not executed by the petitioner.

3.Thereafter, the 4th respondent had filed a suit for specific performance in suit O.S.No.139 of 2009, on the file of the Sub Judge, Perundurai which was decreed vide judgement and decree dated 12.03.2010 in favour of the 4th respondent directing him to deposit the balance sale consideration within a period of 1 month and the petitioner was directed to execute the sale deed on receipt of the balance sale consideration. However, to date, the 4th respondent has neither paid the balance sale consideration nor filed any execution petition.



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4. While so, the petitioner had decided to sell the subject property to one Sahnmugaraj and Govindaraj and had entered into a sale deed on 15.09.2022. When the same was presented for registration before the 3rd respondent, it was returned on the very same day for the following reasons:-

"Already a sale agreement dated 13.02.2007 in respect to the above mentioned property is registered in Doc.No.911 of 2007 before this office and for specific performance of the said sale agreement, a suit also came to be filed in O.S.No.139 of 2009 before the Sub Court, Perundurai and the same has been decreed in favour of the said Mr.Arunachalam by judgement and decree dated 12.03.2010. Therefore, the Court orders becomes the encumbrance in the said property and unless and otherwise the encumbrance in the said property has been removed, the sale deed presented by the petitioner cannot be registered."

Challenging the same, the petitioner is before this Court.

5. Heard the learned counsel on either side.



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6. Admittedly, the 4th respondent has not executed the decree to date and has also not paid or deposited the balance sale consideration. The period for execution has also been expired. Therefore, the impediment apprehended by the 3rd respondent is misconceived.

7. Accordingly, the Writ Petition is allowed and the impugned refusal check slip dated 15.09.2022 is quashed. The 3rd respondent is directed to register the sale deed 15.09.2022 within a period of 2 weeks from the date of its representation. There shall be no order as to costs.

16.12.2024

(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

To

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