



W.P.No.21008 of 2018

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2024

CORAM :

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.21008 of 2018

Lakshmi,
W/o.Annadurai

... Petitioner

Vs.

1.The Inspector General of Registration,
Santhome High Road,
Chennai – 600 028.

2.The Sub Registrar,
Polur, Tiruvannamalai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, to direct the second respondent to register the Sale Deed dated 29.06.2017, executed by K.Balamurugan in favour of A.Lakshmi, which is subject matter of Inspection Memo No.1/2017 dated 29.06.2017 of the second respondent.

For Petitioner : Mr.B.Jawahar
For Respondents : Mr.P.Anandakumar
Government Advocate

ORDER

This Writ Petition has been filed seeking for issuance of a mandamus, to direct the second respondent to register the Sale Deed dated 29.06.2017,



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executed by one K.Balamurugan in favour of the petitioner, which is subject matter of Inspection Memo No.1/2017 dated 29.06.2017 of the second respondent.

2. The case of the petitioner is that the land comprising in Survey No.391/1C measuring about 27 cents situated at Mandakolathur Village, Polur Taluk, Tiruvannamalai District, was purchased by the petitioner on 29.06.2017 from one Balamurugan, through a formal written Sale Deed that was executed by the said Balamurugan and the same was presented before the second respondent the Sub Registrar, Polur, Tiruvannamalai District, for registration. The petitioner submitted that the Sale Deed was executed on sufficient stamp papers and the registration fees also paid by way of demand draft. The petitioner further submitted that the second respondent returned the Sale Deed with Inspection Memo No.1/2017 dated 29.06.2017 by stating that at the time of registration, original parent document was not produced and that apart, the land covered under the Sale Deed is subjected for mortgage with the Union Bank of India, Tiruvannamalai District by way of registered Memorandum of Deposit.



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3. The further case of the petitioner is that since the original parent document was deposited before the Union Bank of India, Tiruvannamalai District, the same could not be produced at the time of registration. The petitioner further submitted that the petitioner made a representation to the first respondent on 14.07.2017 with a request to direct the second respondent to register the Sale Deed, but the first respondent failed to take any action in this regard. Hence the writ petition.

4. Learned counsel appearing for the petitioner submitted that the petitioner has presented the Sale Deed dated 29.06.2017 executed by one Balamurugan in favour of her and the same was not registered by the respondents since the mortgage was subsisting with the Union Bank of India, Tiruvannamalai District.

5. Learned counsel appearing for the petitioner further submitted that the petitioner has paid the entire amount borrowed from the Union Bank of India, Tiruvannamalai District.



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6. Learned Government Advocate appearing for the respondents submitted that the Mortgage Deed Discharge Receipt was also registered on 23.06.2020 vide Doc.No.1614 of 2020.

7. Since the amount borrowed by the petitioner has been discharged, there is no impediment for the registering authority to register the document to be presented by the petitioner.

8. In view of the above, the second respondent is directed to register the above Sale Deed dated 29.06.2017, after the required stamp fees and the registration charges are paid by the petitioner (if any), as per the Registration Rules and otherwise if it is in order, within a period of four weeks from the date of receipt of a copy of this order.

9. This Writ Petition is disposed of with the above observations and directions. No costs.

04.07.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation : Yes/No
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