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W.P. No.12784 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.12784 of 2024

P.Alamelumangai

... Petitioner

Vs

1.The Deputy Inspector General of
Registration
Combined Complex
Kamarajar Nagar Colony
Ammapet, Salem - 636 014

2.The District Registrar
Registration Department
Thowlapath
Krishnagiri - 635 001

3.The Sub Registrar
Hosur Sub Registrar Office
Hosur - 635 109
Krishnagiri District

4.V.Vajjiram

5.C.Sekar

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents 1 to 3 to complete the process of compulsory registration of the sale deed dated 14.09.2023 (Doc. No.P171/2023) executed by the 4th respondent in my name, and take action against the respondents 4 and 5 by declaring the sale deed dated 07.02.2024 (Doc. No.2353/2024) executed by the 4th respondent to the 5th respondent as non est and void, by considering petitioner's representation dated 08.04.2024.

For Petitioner : Mr.N.Manokaran

For Respondent : Mr.B.Vijay,
Addl. Govt. Pleader for R1 to R3
Mr.I.Mahendar Raj for R4 & R5

ORDER

This writ petition has been filed for a direction to the respondents 1 to 3 to complete the process of compulsory registration of the sale deed dated 14.09.2023 (Doc. No.P171/2023) executed by the 4th respondent in petitioner's name, and take action against the respondents 4 and 5 by declaring the sale deed dated 07.02.2024 (Doc. No.2353/2024) executed by the 4th respondent to



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the 5th respondent as nonest and void, by considering petitioner's representation dated 08.04.2024.

2. It is the case of the writ petitioner that petitioner's husband has sold the property to the fourth respondent on 16.09.2021. After purchase, the fourth respondent has mortgaged the property in favour of Tamil Nadu Mercantile Bank on 28.09.2021. As the mortgagee has become NPA, thereafter, the petitioner's husband has paid the amount on behalf of the fourth respondent, to the bank and cleared the debt and a discharge receipt was also issued by the bank. Thereafter, the fourth respondent agreed to execute the sale deed in favour of the petitioner on 14.09.2023. Having executed the sale deed in this regard, when the document was presented before the Registering Authority and after signing of the document by the Sub Registrar, immediately the fourth respondent, ran away from the office of the Sub Registrar and thereafter he has not executed the document. Since the person who signed the document, denied execution, the document has not been registered. As against which an appeal has been filed before the second respondent. Hence pending appeal, it appears that the fourth respondent has executed a sale deed in favour of the fifth respondent. Hence this writ petition.



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3. A counter has been filed by the fourth respondent claiming that there is a partnership between the fourth respondent and the petitioner and the petitioner had paid only Rs.50.00 Lakhs than the agreed amount of Rs.90.00 Lakhs, therefore the document has not been registered.

4. Be that as it may, when the person has executed a document and the document has not been registered on the ground of denial of execution, a procedure is contemplated under the Registration Act is for compulsory registration under Section 73 of the Act. On an application, the procedure of compulsory registration shall be made by the authorities and now the application is pending before the second respondent. In the meanwhile, the fourth respondent has transferred the property. Such being the position, when the document has already been executed, in the event, the second respondent passes an order of compulsory registration, normally the date of registration relates back to the date of execution. In such view of the matter, irrespective of the fact subsequent document has been executed or not, the second respondent shall conduct an enquiry for compulsory registration and pass an order in this



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regard. Such exercise shall be made within a period of two months from the date of receipt of a copy of this order.

5. With the above direction, the writ petition is disposed of. No costs.

10.07.2024

Index : Yes / No

Neutral Citation : Yes / No

Asr

To

1.The Deputy Inspector General of
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2.The District Registrar
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3.The Sub Registrar
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4.The Government Pleader
High Court, Madras



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N.SATHISH KUMAR, J.

Asr

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