



WEB COPY



W.P.No.13852 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2024

CORAM

THE HON'BLE **MS.JUSTICE P.T. ASHA**

W.P.No.13852 of 2024
and W.M.P.Nos.15014 & 15015 of 2024

G.Dhanalakshmi

...Petitioner

Versus

- 1.The District Registrar (Administration),
Full Additional Incharge,
Salem East Registration Department,
Salem.
- 2.The Sub Registrar,
Registration Department,
Vazhappadi,
Salem District.
- 3.Vijaya
- 4.Sugavaneswari
- 5.Amsarani

...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Certiorarified Mandamus, directing to call for the records relating to the impugned order passed by the 1st respondent in his proceedings Na.Ka.No.402/B1/2024, dated 10.04.2024 and quash the same and consequently directing the respondents 1 and 2 to register the sale deed dated 04.09.2020 in favour of the petitioner name as compulsory registration.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.B.Vijay,



W.P.No.13852 of 2024

Additional Government Pleader
for R1 to R2
Mr.L.Ramanathan
for R3 to R5

ORDER

The writ petition is filed for the following relief:

Praying for the issuance of writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the 1st respondent in his proceedings Na.Ka.No.402/B1/2024, dated 10.04.2024 and quash the same and consequently directing the respondents 1 and 2 to register the sale deed dated 04.09.2020 in favour of the petitioner name as compulsory registration.

2.It is the case of the petitioner that she had purchased the property, subject matter of the writ petition, from respondents 3 to 5 under a sale deed dated 04.09.2024. When the sale deed was presented before the 2nd respondent for registration, the same was returned with the refusal check slip on 14.09.2020 stating that an attachment order had been passed in a suit in O.S.No.40 of 2019 filed by one Venkatesh and therefore, the document could not be registered. The petitioner had made a search in encumbrance certificate where this sale was not reflected. Therefore, she had once again presented the sale deed for registration. It was once again returned for the very same reason.



W.P.No.13852 of 2024

Thereafter, the petitioner made an enquiry in the Court where she was informed that the attachment order had been vacated on 19.10.2023 itself and she re-presented the sale deed with the order. However, once again the same was returned with the very same endorsement. She further filed an appeal to the 1st respondent for compulsory registration. The 1st respondent conducted an enquiry and in the hearing, the respondents 3 to 5 stated that they were not interested in selling the land to the petitioner and admitted that all the original documents were handed over to the petitioner and rejected the appeal on the ground that the sale deed which was presented on 30.11.2023, was presented beyond the period of 4 months from the date signed by the vendor and purchaser. The 1st respondent has not taken into consideration, the fact that the document was being returned and re-presented. Therefore, aggrieved by the said order, the petitioner has filed the above writ petition.

3.The respondents 3 to 5 had entered appearance through counsel and the counsel would squarely admit that there was no attachment to the property and further the respondents 3 to 5 are ready to execute the sale deed as the parties have settled their disputes. Therefore, taking note of the above submission, there appears to be no impediment to the registration of the document. Therefore, the petitioner shall re-present the document within a



W.P.No.13852 of 2024

period of 2 weeks from the date of receipt of a copy of this order and the respondents shall register the same within a week, thereafter, without contending that the document is filed beyond time, taking note of the pendency of the proceedings before this Court as also the earlier returned refusal check slips issued by the 2nd respondent.

4.Resultantly, the writ petition stands allowed. There shall be no order as to cost. Consequently, connected miscellaneous petition is closed.

08.11.2024

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

vsn

To

1.The District Registrar (Administration),
Full Additional Incharge,
Salem East Registration Department,
Salem.



W.P.No.13852 of 2024

2. The Sub Registrar,
Registration Department,
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