



WEB COPY



W.P. No.17882 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.17882 of 2023

P.Sampath

... Petitioner

Vs

1.The Sub Registrar
Tiruchengode
Namakkal District

2.Mrs.S.Deepa

3.Minor Chakravarthy
Represented by mother & guardian Mrs.S.Deepa

4.Mrs.B.Vasanthi

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the 1st respondent herein to consider petitioner's representation dated 05.04.2023 (received by the 1st respondent on 08.04.2023).

For Petitioner : Mr.D.Shivakumaran



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For Respondent : Mr.B.Vijay
Addl. Govt. Pleader for R1
Mr.B.Jawahar for R2 to R4

ORDER

This writ petition has been filed for a direction to the first respondent to consider petitioner's representation dated 05.04.2023 to cancel the sale agreement and make entry in the encumbrance.

2. It is the grievance of the writ petitioner that the petitioner has executed a sale agreement in favour of the husband of the second respondent on 29.09.2004 in a loan transaction. As the agreement has not been enforced and it became time barred, the petitioner gave a representation to the Sub Registrar to cancel the sale agreement and make entry. As the said representation has not been considered, the present writ petition has been filed.

3. The learned counsel appearing for the respondents 2 to 4 would submit that they are the legal heirs of the original agreement holder and they filed a suit for recovery of money and hence opposed this writ petition and prayed for dismissal of the same.



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4. This court is of the view that a direction to the Sub Registrar will not arise at all. The only grievance of the writ petitioner is with regard to entry relating to the agreement. This court has repeatedly held that mere agreement for sale will not create any charge or interest over the immovable property, particularly, a Division Bench of this court in ***N.Ramayee Vs. Sub Registrar and another*** reported in ***2020(6) CTC 697***, has clarified that registering an entry relating to the previous agreement will not be a bar for dealing with the property. In such view of the matter, the entry relating to the agreement will not be a bar for the petitioner to deal with his property. Similarly, mere filing of the money suit won't claim any right under the agreement.

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

18.06.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

Asr

N.SATHISH KUMAR, J.

Asr



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- To
- 1.The Sub Registrar
Tiruchengode
Namakkal District
 - 2.The Government Pleader
High Court, Madras

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