



WEB COPY

W.P.No.19705 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.19705 of 2024

Dharmalingam

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Petitioner

vs

The Deputy Inspector General
Registration Department,
Salem.

2.The District Registrar
Administration, Namakkal.

3.The Sub Registrar
Sub Registrar Office
Rasipuram Taluk
Namakkal District.

4.Duraisamy

5.Jayarani

6.Vijayalakshmi

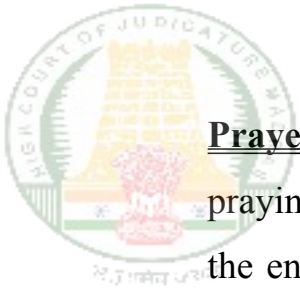
7.Natarajan

8.Kaliammal

9.Raja

...

Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus to direct the 2nd respondent to conduct the enquiry as directed the 1st respondent letter dated 06.03.2024 to cancel the document No.7743/2023 on 20.11.2023 registered in the office of the 3rd respondent within a time frame.

For Petitioner : Mr.S.Muthukrishnan

For Respondents : Mr.B.Vijay, AGP for R1 to R3.

ORDER

By consent of both sides, this Writ Petition is disposed of at the stage of admission itself.

2. The grievance of the petitioner is that the respondents 4 to 6 entered agreement for sale in favour of the petitioner on 09.10.2021 and the petitioner paid a sum of Rs.28,00,000/- towards advance amount. Suppressing the sale agreement, the respondents 4 to 6 executed a sale deed on 20.09.2023 in favour of the respondents 8 and 9. Therefore, the petitioner made a representation to the 1st respondent on 29.02.2024 to initiate action against the respondents 3 to 9 and to cancel the sale deed. On 06.03.2024, the first respondent sent a communication stating that the representation was forwarded to the 2nd respondent for taking further action.



Till date no action has been taken by the 2nd respondent, hence, the present petition.

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3. At the outset, the writ petition itself is not maintainable. Mere agreement in favour of the petitioner will not create any right or interest over the property. At the most, the agreement can be enforced by filing a suit for specific performance before the competent Civil Court of law. Further, the existence of an agreement is not a bar for sale of property.

4. Only impediment is whether the subsequent purchaser is bonafide purchaser without notice of the prior agreement, the same has to be seen before the competent Court. It is stated that a suit in OS.No.85 of 2024 has been filed on the file of the 1st Additional District Court, Namakkal.

5. In the result, this writ petition is dismissed. No costs.

24.07.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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To

The Deputy Inspector General
Registration Department,
Salem.

2.The District Registrar
Administration, Namakkal.

3.The Sub Registrar
Sub Registrar Office
Rasipuram Taluk
Namakkal District.



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N.SATHISH KUMAR, J.

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