



WEB COPY



W.P.No.21111 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2024

CORAM

THE HONOURABLE Mr.JUSTICE N.SATHISH KUMAR

W.P.No.21111 of 2024

AND

W.M.P.No.23043 of 2024

J.Narayanan

.. Petitioner

Vs

1.The District Registrar
Thirupapuliyur
Cuddalore 607 001

2.The Sub Registrar Joint-II
Thirupapuliyur
Cuddalore 607 001

3.R.Govindaraj

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus to call for the records of the proceedings bearing No.5437/2024 dated 15.07.2024 and quash the same as illegal and without jurisdiction and to consequently direct the 2nd respondent to register and release the sale deed dated 10.07.2024 bearing document No.P/Sub Registrar Joint-II, Cuddalore/34/2024.

For Petitioner : Mr.Sharath Chandran

For RR 1 & 2 : Mr.B.Vijay
Additional Government Pleader



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ORDER

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2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 and 2 and perused the materials available on record.

3. It is the case of the petitioner that he had purchased the subject property from the Honk Kong Indians and Exnora Public Charitable Trust on 02.05.2024; subsequently, he sold the said property to one Krishnan *vide* Sale Deed dated 10.07.2024 and when the same was presented for registration, the 2nd respondent refused to register the same, citing the reason that the 3rd respondent has given a protest petition. Hence, the present writ petition.

4. It is the contention of the learned counsel for the petitioner that the 3rd respondent has given a protest petition stating that the said Trust had already entered into an agreement to sell the same subject property to him on 30.01.2023 and however, sale deed could not be executed as the Trust did not obtain prior permission for the sale. Hence, the learned counsel submits that



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the impugned order passed by the 2nd respondent, cannot be sustained in the eye of law.

5. In such perspective of the matter, this Court is of the view that merely on the basis of the protest petition given by a third party, the document cannot be refused to be registered. This has been clearly held in ***Subramani Vs. The Sub Registrar, Rasipuram and Another (W.P.No.11056 of 2024 decided on 26.04.2024)***. That apart, the 3rd respondent is claiming right only based on the agreement for sale said to have been executed by the Trust. It is well settled that mere existence of an agreement for sale, will not create any right or interest over the immovable property and at the best, such an agreement is capable of enforcement in a Court of law. Such being the position, merely on the basis of such protest petition given by the agreement holder, registration of document cannot be refused. Hence, the impugned order passed by the 2nd respondent is set aside and the 2nd respondent is directed to register the Sale Deed of the petitioner, within a week's time from the date of receipt of a copy of this order.

With the above direction, this writ petition stands allowed. No costs.

Connected C.M.P. is closed.

gya

25.07.2024

Index : Yes/No

Neutral Citation : Yes/No



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N.SATHISH KUMAR, J.

gya

To

1.The District Registrar
Thirupapuliyur
Cuddalore 607 001

2.The Sub Registrar Joint-II
Thirupapuliyur
Cuddalore 607 001

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