



WEB COPY



W.P.No.20914 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.20914 of 2024

S.Balu

.. Petitioner

Vs

1.The Inspector General of Registration
100, Santhome High Road
Mullima Nagar
Manadvelipakkam, Raja Annamalai Puram
Chennai 600 028

2.The District Registrar
District Registrar Office
Collectorate Campus Backside
Nallipalayam, Namakkal

3. The Sub Registrar
Joint-II Sub Registrar Office
Mohanur Road
Namakkal Taluk Office Compound
Namakkal

4.R.Rajagopal

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking
a writ of mandamus directing the 1st respondent herein to release the petitioner



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sale deed dated 20.10.2023 registered as document No.5310/2023 on the file of the Joint II SRO, Namakkal within a time frame fixed by this Court.

For Petitioner : Mr.Shabeer Ali H
For RR 1 to 3 : Mr.B.Vijay
Additional Government Pleader

ORDER

This writ petition has been filed for a direction to the 1st respondent to release the petitioner's Sale Deed dated 20.10.2023 registered as document No.5310/2023 on the file of the 3rd respondent, within a stipulated time.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 to 3 and perused the materials available on record.

3. The case of the petitioner is that originally, since the 4th respondent had executed an agreement of sale and did not come forward to perform his part of contract, the petitioner had filed a suit in O.S.No.75 of 2019 for specific performance on the file of the Principal Sub Court, Namakkal and the said suit was decreed on 08.01.2020; even then, since the 4th respondent did not execute



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the sale deed, the petitioner filed E.P.No.189 of 2020 and the Sale Deed came to be executed by the Court on 20.10.2023 before the 3rd respondent; however, the 3rd respondent did not hand over the said Sale Deed and referred the issue under Section 47-A of the Registration Act, 1908, for deficit stamp duty. Hence, the present writ petition.

4. The learned counsel for the petitioner submitted that the Sale Deed is required for the purpose of terminating the execution proceedings as directed by the Court and has also placed reliance on the adjudications in this regard made by the learned Principal Sub Judge, Namakkal.

5. A perusal of the adjudications of the learned Principal Sub Judge in E.P.No.189 of 2020 from 15.04.2024, reveals that the matter has been adjourned for production of the registered sale deed. It is relevant to note that once the sale deed has been executed by the Court, the execution proceedings ought to have been terminated and the question of production of such sale deed, will not arise. Therefore, the contention of the learned counsel for the petitioner that sale deed has to be produced before the executing Court, cannot be countenanced.



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6. Further, the very affidavit filed by the petitioner itself indicates that proceedings under Section 47-A of the Act has already been initiated and hence, there cannot be any direction to the respondent authorities to release the document.

7. In such view of the matter, let the respondent authorities complete the proceedings under Section 47-A of the Act as stipulated in the rules, within a period of three months from the date of receipt of a copy of this order, after giving an opportunity to the petitioner.

With the above observation and direction, this writ petition is disposed of. No costs.

25.07.2024

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Index : Yes/No

Neutral Citation : Yes/No



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N.SATHISH KUMAR, J.

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