



WEB COPY



WP.No.31899 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.31899 of 2019

R.S.Karunamurthi

.. Petitioner

Versus

1.The District Registrar
Coimbatore,
Coimbatore District

2.The Sub Registrar
Sulur Sub Registrar Office
Coimbatore District

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the appeal No. 2/ 2019 in No.106/Aa1/2019 dated 30.07.2019 passed by the 1st respondent, quash the same as illegal and consequently directing the 2nd respondent to register the sale deed in P.137/ 2018 dated 31.08.2018 presented through E.P.No. 248/ 2017 by the 2nd additional sub judge Coimbatore.

For Petitioner : Mr.S.Kumaresan

For Respondents : Mr.B.Vijay
Additional Government Pleader

ORDER

This writ petition is filed challenging the order of the first respondent

<https://www.mhc.tricel.org/> dated 30.07.2019, quash the same and for a direction to the 2nd respondent to



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register the sale deed in P.137/2018 dated 31.08.2018 presented through

WEB C E.P.No. 248/ 2017 by the 2nd additional sub judge Coimbatore.

2. It is the case of the writ petitioner that he has entered an agreement for sale on 15.12.2007 between one M.Senniappan and A.Subramanian. As they refused to execute the sale deed, he filed a suit in O.S.No.1798/2015 on the file of I Additional Sub Judge, Coimbatore for the relief of specific performance. The suit has been decreed exparte on 22.11.2016. Therefore, execution petition was filed and sale is sought to be executed before the second respondent. When the same was presented, the registering authority refused to register the document. Hence, this writ petition.

3. Heard both sides and perused the materials placed on record.

4. Though the registering authority has no right to go into the title as per Rule 55 of the Registration Rules, the fact remains that the entry in the encumbrance referred by the first respondent in the impugned order clearly indicate that the very same property was already sold in favour of Jagannathan on 10.11.1997 vide sale deed dated 3683/1997.

5. When the property is already sold and title is divested, entering a sale



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agreement in the year 2007 and obtaining an ex parte order would not convey title to any subsequent purchaser. Therefore, this Court is of the view that registering such document will not serve any purpose when the petitioner has no title at all. Hence, I do not find any merit in interfering the order of the first respondent.

6. Accordingly, this writ petition stands dismissed. No costs. If at all the petitioner wants to establish any right over the properties, he can file a suit impleading the original owners who have already purchased the property in the year 1997 and establish his right as per law.

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Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No

N. SATHISH KUMAR, J.



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To

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Coimbatore,
Coimbatore District

2.The Sub Registrar
Sulur Sub Registrar Office
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