



WEB COPY



WP.No.31591 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **07.06.2024**

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.31591 of 2023

R.Anusya

.. Petitioner

Versus

1. The Sub Registrar,
Registration Department, Chennimalai – 638 051,
Perundurai Taluk, Erode District.

2. T.S.Chellakumarasamy

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus by calling for the records relating to the check slip dated 27.09.2023 in RFL/ Chennimalai/ 30/ 2023 on the file of the first respondent herein and quash the same and consequently direct the first respondent to register the sale deed dated 07.09.2023 presented by the petitioner for registration.

For Petitioner : Mr.T.Murugamanickam, Senior Counsel
for Ms.Zeenath Begum

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader – R1

Mr.M.Guruprasad – R2



WP.No.31591 of 2023

ORDER

WEB COPY

With the consent of both sides, this Writ Petition is taken up for final disposal at the admission stage itself.

2. This writ petition is filed to quash the impugned check slip dated 27.09.2023 in RFL/ Chennimalai/ 30/ 2023 on the file of the first respondent herein and consequently direct the first respondent to register the sale deed dated 07.09.2023 presented by the petitioner for registration.

3. Heard learned counsel for the petitioner and the learned Special Government Pleader appearing for the first respondent and the learned counsel appearing for the second respondent and perused the materials available on record.

4. The brief facts leading to the filing of the Writ Petition is as follows :

The subject properties were originally owned by one Deivayammal, who is the maternal grandmother of the petitioner and the second respondent and she had executed a power of attorney in favour of the second respondent on 24.09.2009. Thereafter, the second respondent is said to have entered into an agreement of sale with one Chinnusamy on 05.10.2009 in respect of item No.7



WP.No.31591 of 2023

of the property. Subsequently, it appears that the original owner has sold the all the properties to petitioner on 13.10.2009 and revoked the Power of Attorney executed in favour of the second respondent 14.10.2009. It is the further case of the petitioner that on the basis of the sale executed in his favour, when the petitioner presented a sale deed for registration, the same was refused to be registered by the first respondent on the ground that earlier sale agreement registered in respect of the property is still in force. Challenging the same, the present Writ Petition has been filed.

5. The first respondent has filed a counter stating that on the basis of the power of attorney executed by the one Deivayammal, the second respondent has entered into a sale agreement with one Chinnusamy and as the same is still in force, the sale deed presented by the petitioner has been refused to be registered. Hence, prayed for dismissal of this Writ Petition.

6. The second respondent has filed a counter stating that on the basis of the power given to him, he has entered into a sale agreement and suppressing the said fact, the said Deivayammal has sold the property to the petitioner and the petitioner in turn is making encumbrances. Hence, opposed the Writ Petition.

<https://www.mhc.tn.gov.in/judis> 7. As far as the refusal slip issued by the first respondent is concerned,



WP.No.31591 of 2023

the said Order cannot be sustained in the eye of law. This Court in **N. Ramayee v Sub-Registrar** reported in **(2020)6 CTC 697** has elaborately dealt in this aspect and has held that mere registration of a sale agreement will not be a bar for sale of the property. In such view of the matter, the refusal slip issued by the first respondent is liable to be quashed.

8. Accordingly, this Writ Petition is allowed and the refusal check slip dated 27.09.2023 issued by the respondent is quashed. The first respondent is directed to register the Sale Deed dated 07.09.2023 within a period of one week from the date of receipt of a copy of this Order. No costs. Consequently, connected miscellaneous petition is closed.

07.06.2024

vrc

Index : Yes/No

Internet : Yes/No

Neutral Citation : Yes/No

To,

The Sub Registrar,
Registration Department, Chennimalai – 638 051,
Perundurai Taluk, Erode District.



WEB COPY



WP.No.31591 of 2023

N. SATHISH KUMAR, J.

vrc

W.P.No.31591 of 2023

07.06.2024