



W.P.No.33046 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2024

Coram

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Writ Petition No.33046 of 2023

Jayakumar

..... Petitioner

-Versus-

1.The Joint Sub Registrar No.2
Tindivanam,
Villupuram District.

2.Kalaivendhan

[2nd respondent was impleaded as per the order of this
court dated 27.06.2024 made in W.M.P.No.35250 of 2024]

..... Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a *Writ of Mandamus* directing the 1st respondent to return the sale deed dated 03.04.2023 executed in favour of the petitioner and registered as Document No.P/52/2023 to the petitioner within a stipulated time to be fixed by this court.

For Petitioner : *Mr.J.Antony Jesus*

For Respondent (s) : *Mr.B.Vijay,*



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For Petitioner : Mr.J.Antony Jesus

AGP for R1

Mr.E.V.Arunachalagiri for R2

ORDER

This writ petition has been filed seeking a writ in the nature of mandamus, directing the 1st respondent to return the sale deed dated 03.04.2023 executed in favour of the petitioner and registered as Document No.P/52/2023 to the petitioner within a stipulated time to be fixed by this court.

2. It is the case of the petitioner that he purchased a piece of land measuring an extent of 274 square feet out of 13 cents comprised in S.No.409/3 in T.S.No.118/1, Block No.24, Ward-D, Door No.18, Periyasamy Pillai Street, Kidangal village, Tindivanam Taluk, Villupuram District and another piece of land measuring an extent of 162 square feet land with RCC building in the ground floor out of 13 cents comprised in S.No.409/3 in T.S.No.103, Block No.24, Ward-D, Periyasamy Pillai Street, Kidangal village, Tindivanam Taluk and Villupuram District from one V.Gnanasekaran and his daughter-Usha for valuable sale consideration by virtue of sale deed dated 03.04.2023. On presentation, though the sale deed was registered on 03.04.2023, the 1st respondent kept the same as pending document. The grievance of the petitioner is the document was kept pending on the ground that one Sivasamy gave a



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complaint that he purchased the 2nd item of the subject properties. According to the petitioner, the said Sivasamy purchased only first floor and not any vacant site and the ground floor.

3. According to the 2nd respondent, his undivided share was also sought to be registered and hence he gave a protest petition. The suit filed by him in O.S.No.92 of 2023 on the file of the Subordinate Judge, Tindivanam is pending.

5. Heard both sides.

6. At the outset, this court is of the view that after registration of the document, the Registering Authority has no power to retain the document. This court in the case of **Subramani v. The Sub Registrar** [W.P.No11056 of 2024 dated 26.04.2024] has held that merely on the ground that some protest petition has been filed document so registered cannot be kept pending. In the event, the 2nd respondent establishes his right of share in the property which he claims and succeeds in the suit filed by him, the sale in respect of such share in the property will not be validated as per the civil court decree. The registering authority citing the protest petition cannot refuse to return the document forever.

7. The 1st respondent is, therefore, directed to return the original sale



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deed presented by the petitioner which was registered on 03.04.2023 within a period of 15 days from the date of receipt of a copy of this order.

This writ petition is disposed of accordingly with the above direction and observations. No costs.

Index : yes / no
Neutral Citation : yes / no
Speaking / Non Speaking Order
kmk

27..06..2024

To

1. The Joint Sub Registrar No.2, Tindivanam,Villupuram District.



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N.SATHISH KUMAR.J.,

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