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W.P.No.36912 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :10.12.2024

CORAM:

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.36912 of 2024

and

W.M.P.No.39863 of 2024

1.Tmt.Angammal

2.K.Venkatesan

3.K.Pazhani

4.Manjula

... Petitioners

Vs

The Sub-Registrar,
Gummidipoondi Sub-Registration Office,
Gummidipoondi-601 201,
Tiruvallur District.

...Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the respondent to receive and register the sale deed, dated 11.11.2024 from the petitioners and E.Shanmugam in respect of undivided half share in the properties, being agricultural lands, comprised in Survey Nos.398/13, 398/8, 398/9, 398/12, 399/2, 399/3A, situated in Arambakkam Village,



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Gummidipoondi Taluk, Tiruvallur District pursuant to the judgment and decree, dated 10.09.2024, passed in O.S.No.116 of 2019 by the District Munsif cum Judicial Magistrate Court, Gummidipoondi and to release the document to the petitioners and also pay costs to this writ petition.

For Petitioner : Mr.Mr.R.Munusamy
For Respondent : Mr.M.Shahjahan
Special Government Pleader

ORDER

This Writ Petition is filed for a Mandamus, directing the respondent to receive and register the sale deed, dated 11.11.2024 from the petitioners and E.Shanmugam in respect of undivided half share in the properties, being agricultural lands, comprised in Survey Nos.398/13, 398/8, 398/9, 398/12, 399/2, 399/3A, situated in Arambakkam Village, Gummidipoondi Taluk, Tiruvallur District pursuant to the judgment and decree, dated 10.09.2024, passed in O.S.No.116 of 2019 by the District Munsif cum Judicial Magistrate Court, Gummidipoondi and to release the document to the petitioners



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and also pay costs to this writ petition.

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2. The 1st petitioner is the mother of the petitioners 2 to 4. The petitioners are in joint possession and enjoyment of the agricultural lands comprised in Survey Nos.398/13, 398/8, 398/9, 398/12, 399/2, 399/3A, situated at Arambakkam Village, Gummidipoondi Taluk, Tiruvallur District. The said lands were purchased by E.Subramani and E.Shanmugam under two different sale deeds as Doc.No.1/1979 and Doc.No.2/1979 at SRO Gummidipoondi from A.M.Ramakrishnan and A.M.Srinivasan. The aforesaid E.Subramani and E.Shanmugam had sold the property to Kuppu Reddi in the year 1983, but the sale was not made through the registered sale deed. Kuppu Reddi was in possession and enjoyment of the said property and patta was also transferred in respect of the said property in his name and thereafter fresh patta was issued in the name of Kuppu Reddi. The petitioners had filed a suit O.S.No.124 of 2017 before the District Munsif Court, Ponneri against E.Subramani and E.Shanmugam in respect of the said property for the



relief of specific performance. Subsequently the said suit was transferred to the District Munsif cum Judicial Magistrate Court, Gummidipoondi and renumbered as O.S.No.116 of 2019. The said suit was decreed in favour of the petitioners by a judgment and decree dated 10.09.2024. In the said decree the defendants were directed to execute necessary sale deed in respect of the suit property. E.Shanmugam who was the 2nd defendant in the said suit has come forward to execute a sale deed in favour of the petitioners. Accordingly, they presented the document for registration before the respondent, but, the respondent has returned the sale deed without admitting the same for registration by stating that he is not a party to the suit and there is no direction to the registering authority to register the document. Hence, the petitioners are before this Court.

3. The petitioner would submit that the respondent had not even received the document stating that the decree in the suit O.S.No.116 of 2019 does not contain any direction to register the document and



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neither has the respondent been made a party in the suit. The reasons given for not receiving the document for registration is absolutely unsustainable. The petitioner has filed the suit for specific performance and the sale deed is a result of the decree in the suit.

4. Heard the learned counsels on either side.

5. The suit for specific performance is *interse* between the agreement holder and the vendor. No relief is claimed against any public authority. However, the decree is passed is binding on all. Therefore, the writ petition is allowed and a mandamus is issued to the respondent to register the document as and when it is presented within a period of two weeks from the date of presentation. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

10.12.2024



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Index: Yes/No

Speaking order/non-speaking order

Neutral Citation: Yes/No

ssn

P.T.ASHA, J.,

ssn

To

The Sub-Registrar,
Gummidipoondi Sub-Registration Office,
Gummidipoondi-601 201,
Tiruvallur District.

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