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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD).No.11681 of 2023

K.Dinesh ... Petitioner

Vs.,

1.The District Registrar,
Registration Department,
Viruthunagar District.

2.The Sub Registrar,
Srivilliputhur,
Virudhunagar District.

3.The Executive Officer,
Vaithyanathaswamy Temple,
Srivilliputhur Taluk,
Virudhunagar District. ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the second respondent to register the sale deed bearing temporary registration number TP/149905964/2023 presented before him on 06.05.2023 in accordance with law within a stipulated time.

For Petitioner : Mr.N.Marimuthu
For Respondents : Mr.P.Subbaraj (for R1 & R2)
Special Government Pleader
Mr.H.Arumugam (for R3)

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ORDER

This writ petition has been filed seeking for issuance of writ of mandamus directing the the second respondent to register the sale deed bearing temporary registration number TP/149905964/2023 presented before him on 06.05.2023 in accordance with law.

2. The case of the petitioner is that he purchased a house plot in S.No. 43/1, Plot No.LIG-338, TNHB Colony, Vanniyampatti Vilakku, Padikkasuvaithanpatty, Srivilliputhur Taluk, Virudhunagar District, from one Thangavel and his wife Paramathma. Thereafter, the petitioner decided to sell the property to one Venkateshan. In this regard, when the petitioner presented the sale deed on 06.04.2023 for registration, the same has been refused to register. Hence, the petitioner is before this Court.

3. The learned counsel for the petitioner would submit that the entire land of the subject property was purchased by the Tamil Nadu Housing Board from the third respondent temple as early as on 29.07.1993 vide registered Doc No.2861/1993. Pursuant to the same, the Housing Board had developed the house

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site and various plots have been sold to the third parties. One such third party, namely, Rakkappan, purchased the subject property on 25.04.2014 from the Housing Board. Subsequently, the said Rakkappan sold the same to the petitioner's vendor, namely, Thangavel and his wife, from whom the petitioner has purchased the said property and thereafter, he executed a sale deed in favour of one Venkateshan and the same was presented for registration, the registering authority refused the same.

4. The learned Special Government Pleader filed counter affidavit, in which, he stated that based on the objection raised by the third respondent, the petitioner's document has not been registered.

5. The learned counsel for the third respondent now would submit that he has no objection for registering the petitioner's document.

6. A perusal of the document and encumbrance certificate available on record it shows that the third respondent temple sold the property to the Tamil Nadu Housing Board on 29.07.1993 and thereafter, the Housing Board developed the plots and sold to several persons. Subsequently, the petitioner has purchased

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the subject property from his predecessor, namely, Thanagavel and his wife Paramathma. In such view of the matter, merely based on the objection raised, the document cannot be refused to be registered. Accordingly, the registering authority is directed to register the petition mentioned document within a period of one week from the date of receipt of a copy of this order.

7. With the above observation, the Writ Petition is allowed. No costs.

03.09.2024

NCC : Yes/No
Index : Yes/No
Rmk

To
1.The District Registrar,
Registration Department,
Viruthunagar District.

2.The Sub Registrar,
Srivilliputhur,
Virudhunagar District.

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N.SATHISH KUMAR, J.

Rmk

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