



W.P.(MD)No.13929 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **08.11.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE G.K.ILANTHIRAIYAN**

W.P.(MD)No.13929 of 2024

Nagoormydeen

... Petitioner

/Vs./

1.The District Registrar,
Office of the District Registrar,
Cheranmahadevi,
Tirunelveli.

2.The Sub Registrar,
North Veeravanallur,
Ambasamudram Taluk,
Tirunelveli.

3.Rajam

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the 2nd respondent to implement the order of the first respondent dated 22.06.2023 without a stipulated period of time to be fixed by this Court.

For Petitioner : Mr.P.P.Alwin Balan

For R1 & R2 : Mr.M.Sarangan
Additional Government Pleader

For R3 : No appearance



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ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus to direct the 2nd respondent to implement the order of the first respondent dated 22.06.2023.

2. Though notice has been served on the third respondent, none entered appearance either in person or through Pleader.

3. The property comprised in S.No.90/2B situated in South Veeravanallur Village, Ambasamudram Taluk, Tirunelveli District belongs to one late Arumugam. He died leaving behind his legal heirs and they inherited the subject property. The legal heirs had sold the subject property by execution of sale deed dated 24.04.2012 in favour of the petitioner and the same was presented for registration before the second respondent. However, the vendor has not appeared before the registering authority. As such, the registration was refused. Hence, the petitioner approached the first respondent by way of an appeal. The first respondent after conducting due enquiry by order dated 22.06.2023 directed the second respondent to assign registration number to the



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pending document. However, the second respondent did not register the document on the ground that the petitioner's vendor had executed the sale deed in respect of the very same subject property in favour of one Rajam, who is arrayed as the third respondent herein and therefore, the order passed by the first respondent could not be complied. Admittedly, the vendor was a party in the appeal filed by the petitioner before the first respondent and even after verifying the subsequent sale deed executed by the petitioner's vendor, the first respondent came to a conclusion that a sale in favour of the petitioner was proper and genuine one. Therefore, the sale deed should be registered in favour of the petitioner which was kept as pending document No.9/2012. Therefore, the petitioner is a *bonafide* purchaser. The sale deed should be registered in his favour.

4. In view of the above, the petitioner is directed to present the sale deed for registration before the second respondent within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the second respondent is directed to register and release the document forthwith.



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5. With the above directions, this Writ Petition is allowed. No costs.

08.11.2024

Index : Yes / No
NCC : Yes / No
CM

TO:

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2.The Sub Registrar,
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G.K.ILANTHIRAIYAN, J.

CM

Order made in
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Dated:
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