



W.P.(MD) No.20095 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 22.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD) No.20095 2024

M.Karthick Prabu

...Petitioner

-VS-

The Sub Registrar,
Kodaikanal,
Dindigul District.

...Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of Mandamus, directing the Respondent, namely the Sub Registrar, Kodaikanal, to receive and register the sale deed concerning the property viz. New S.No.605/2B, measuring 79 cents, New S.No.605/1B measuring 1 Acre, New S.No. 605/1A measuring 73 cents, and New S.No.605/1B measuring 74 Cents, totalling 3 Acre and 26 Cents, located in Poomparai Village, Kodaikanal Taluk, Dindigul District, executed by the Principal Sub Judge, Palani, in favour M.Karthick Prabu and M.Naga Anand, pursuant to the specific performance decree, dated 10.10.2018, rendered in OS No.234 of 2014 on the file of the Sub Court, Palani in accordance with law within a time frame as fixed by this Court.

For Petitioner	: Mr.Y.Prakash
For Respondent	: Mr.P.Subbaraj
	Special Government Pleader



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ORDER

This writ petition has been filed seeking a direction to the respondent to receive the sale deed presented by the petitioner in pursuant to the specific performance decree, dated 10.10.2018 rendered in O.S.No.234 of 2014 on the file of the Sub Court, Palani in accordance with law within the time frame fixed by this Court.

2.By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3.The contention of the petitioner is that the petitioner purchased the properties in question by way of a registered sale agreement from one J.Livinamary. When the vendor of the petitioner failed to execute the sale deed, the petitioner filed a suit in O.S.No.234/2014 before the Sub Court, Palani and obtained a decree in his favour. Thereafter, as per the direction of the trial Court, when the petitioner presented the sale deed for registration, the respondent refused to register the same citing the encumbrance made by the vendor of the petitioner in favour of her family



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members after executing the sale agreement. Challenging the same, the petitioner has filed this writ petition.

4.At the outset, this Court is of the view that it is not the concern of the Sub Registrar with regard to the other encumbrances in respect of the subject property. When the Court had executed a sale deed in favour of the petitioner in pursuant to the decree granted in his favour in the suit filed by the petitioner, it is the duty of the Sub-Registrar to register the same. The rest of the things will be proved before the competent civil Court by the parties concerned.

5.In view of the above, this writ petition is disposed of directing the respondent to register the sale deed presented by the Court of law in favour of the petitioner in respect of the subject property. No costs.

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Index : Yes / No
Internet : Yes / No
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To
The Sub Registrar,
Kodaikanal, Dindigul District.

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N.SATHISH KUMAR, J.

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