



W.P.(MD)No.21194 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **09.12.2024**

CORAM:

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

W.P.(MD)No.21194 of 2024

Karthikeyan Durgaprasad

... Petitioner

/Vs./

1. The District Registrar
Office of the District Registrar,
Dindigul.

2. The Sub Registrar
Kodaikanal,
Dindigul District.

3. K.T.Sivashanmugam

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned order passed by the 2nd respondent in Na.Ka.No.388/2023 dated 28.03.2024 and quash the same as illegal and consequently direct the 2nd respondent to permit the writ petitioner through his Power of Attorney Holder to execute and register Sale deed with regard to the actual extent of 18.5 cents in Patta No.1618 in Re-Survey No.51/4B1 at Vilpatti Village, Kodaikanal Taluk, Dindigul District.



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For Petitioner : Mr.M.Kannan

For Respondents : Mr.D.Sadiq Raja

Additional Government Pleader for R1&2

: Mr.Shangar Murali for R3

ORDER

This Writ Petition has been filed challenging the order passed by the second respondent dated 28.03.2024, thereby refused to register the sale deed presented for registration in respect of the property comprised in Re-Survey No.51/4B1, to an extent of 18.5 cents, situated at Vilpatti Village, Kodaikanal Taluk, Dindigul District.

2. Heard the learned counsel on either side and perused the materials available on record.

3. The property to an extent of southern 45 cents out of 75 cents in Survey No.51/4, situated at Vilpatti Village, Kodaikanal Taluk, Dindigul District, belonged to the petitioner. While being so, on 21.09.2007, he had sold 30 cents out of 45 cents in favour of one Shantha Sathish. In turn, the said Shantha Sathish sold the said 30 cents to one Kasi Anantha



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vide registered sale deed dated 23.10.2007. While being so, the third respondent herein filed a suit for specific performance in O.S.No.40 of 2008 before the I Additional District Court, Thiruchirappalli (re-numbered as O.S.No.846 of 2010, on the file of the II Additional Subordinate Court, Thiruchirappalli), as against the petitioner, alleging that the writ petitioner's father had agreed to sell the property to an extent of 35 cents in T.S.No.51/4 in favour of the third respondent, subsequently, he failed to execute any sale deed. The said suit was dismissed by the judgment and decree dated 13.12.2019. Aggrieved by the same, the third respondent did not prefer any appeal. Therefore, the petitioner intended to sell the property to third party. However, on the representation submitted by the third respondent, the registering authority / second respondent refused to register the document and as such, the petitioner filed a Writ Petition in W.P.(MD)No.732 of 2024, on the notice issued by the registering authority / second respondent herein, this Court directed the registering authority to complete the enquiry within a period of four weeks. Thereafter, the second respondent passed the order on 28.03.2024, refused to register the document on the ground that the third respondent filed I.A.Nos.3 and 4 of 2022 in O.S.No.846 of



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2010, to condone the delay in filing the review petition and both are pending.

4. Admittedly, the review petition itself has been filed with a delay of 347 days and the condone delay petition is also pending from the year 2022. Further, there is no order from the petitioner restraining the registering authority to register the document in respect of the subject property. That apart, it was unregistered agreement with them in respect of the subject property. Further, the agreement is dated 18.11.2006. Therefore, the registering authority cannot wait till the litigation came to over, since the third respondent wantonly drag the proceedings and it will not never ends.

5. In view of the above, the impugned order passed by the second respondent cannot be sustained and the same is liable to be quashed, accordingly quashed. The petitioner is directed to re-present the sale deed executed in favour of the third respondent for registration before the second respondent. On receipt of the same, the second respondent is directed to register and release the same forthwith.



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6. With the above direction, this Writ Petition is allowed. No costs.

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Internet : Yes/No
NCC : Yes / No
Index : Yes/No
LS

TO:-

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Office of the District Registrar,
Dindigul.
2. The Sub Registrar
Kodaikanal,
Dindigul District.
3. The II Additional Subordinate Court,
Thiruchirappalli.



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G.K.ILANTHIRAIYAN, J.

LS

Order made in
W.P.(MD)No.21194 of 2024

Dated:
09.12.2024