



W.P(MD)No.214

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.01.2024

WEB COPY

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.21429 of 2023

B.Pavithran

..Petitioner

Vs

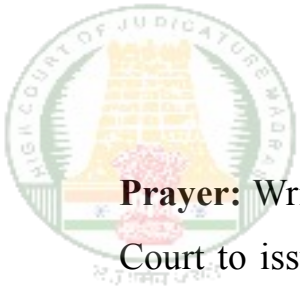
1.The Deputy Inspector General of Registration,
Integrated Building of Registration Department,
TNAU Nagar,
Rajakambeeram,
Y.Othakadai,
Madurai-625 107.

2.The District Registrar,
Madurai District (North),
Madurai.

3.The Sub-Registrar,
Office of the Sub-Registrar,
Registration District of Vadipatti,
Madurai District.

4.N.Muthuraman

..Respondents



W.P(MD)No.214

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 3 herein to receive and register the document presented by the petitioner in respect of the land comprised in Survey No.436/6 & 462/3 situated at Thanichiyam Village, Vadipatti Taluk, Madurai District forthwith in accordance with law.

For Petitioner :Mr.C.Senthil Murugan

For R1 to R3 :Mr.C.Satheesh
Government Advocate

ORDER

The Petitioner has filed this Writ Petition seeking a direction to the respondents 1 to 3 herein to receive and register the document presented by the petitioner in respect of the land comprised in Survey No.436/6 & 462/3 situated at Thanichiyam Village, Vadipatti Taluk, Madurai District forthwith in accordance with law.

2. The learned counsel appearing for the petitioner would submit that the petitioner has purchased the land from one Padmanaban comprised in survey No.436/6 & 462/3 situated at Thanichiyam village, Vadipatti Taluk, Madurai District on 07.07.2021 for a valuable sale consideration vide registered document No.1367 of 2021 and mutated all the revenue records in his favour and patta was also stands in his favour. He further submitted that originally the property belonged to one Kanakkan Ambalam,



W.P(MD)No.214

who acquired the said land through registered partition deed dated 20.08.1977 vide Document No.1044/1977 registered with Sub-Registrar Office, Solavanthan. After the demise of the said Kanakkan Ambalam, his legal heirs have sold the land to the petitioner's vendor namely Padmanaban on 25.03.2021 by mentioning the fact that during 1998 the said Kanakkan Ambalam had mortgaged the above said land in favour of Santhiyammal and Rosemary vide Document No.1-452-175-177-1034/1998 and 1.451.197-199-984/1998. They in-turn on 31.03.2005 and 04.04.2005 made over the mortgage in favour of the fourth respondent vide registered Document No. 1.584.175-177/764/2005 and 1.588.95-97.475/2005.

3. The petitioner's vendor Padmanaban has made an efforts to settle the fourth respondent, whereas, the fourth respondent with an intention to grab the land refused to receive the amount and dragged the issues by saying one another reasons. While so, on 07.07.2021, the petitioner has purchased the property and from that date onwards, he has enjoying the same. According to him, on 03.11.2021 the petitioner has purchased the property from one Alagupandi for a valuable sale consideration vide document No. 2465 of 2021 whereas, the said Alagupandi expressed his desire to return the property to him. As such on 24.01.2022 the sale deed entered between the petitioner and Alagupandi was cancelled in accordance with law.



WEB COPY

4. He would further submit that now one Karthikeyan has purchased the property on 24.01.2022. After receipt of the sale consideration, the petitioner met with an accident and hence, he was not able to execute the sale deed. After taking complete medical treatment, on 11.08.2023 the petitioner has prepared the draft sale deed and made an attempt to present it before the third respondent. At that time, the third respondent refused to receive the same for the reason that the fourth respondent has filed an objection plea in No.2 of 2022. Hence, on 17.08.2023 he had approached the second respondent by way of representation requesting him to direct the third respondent to receive and register the document. As such summons were issued to the petitioner as well as the fourth respondent, whereby, the third respondent called upon them to attend the enquiry on 23.08.2023. After the receipt of the summons, he had duly appeared and waited from Morning to Evening, whereas, the fourth respondent has not appeared for an enquiry. He would further submit that there is no impediment in registering the document since already the third respondent has registered 4 consecutive documents since from the year 2021. Mere pendency of the objection plea would not curtail the rights of the third respondent in registering the documents. He would further submit that the real intention of the fourth respondent is to get back the money and he is dragging the enquiry in order to grab the land without paying any single money. Hence, the petitioner seeks intervention of the Court directing the respondents 1 to 3 to receive and register the document submitted by the petitioner.



W.P(MD)No.214

WEB COPY

5. The petitioner has filed various documents to prove that there were so many transaction taken place, but the third respondent has refused to register the document by citing the letter No.22482/c1/2021 dated 14.09.2022 through G.O.(MS)No.129, Commercial Tax and Registration Department, dated 05.09.2022 and stating that the time limit for registration of documents like mortgage, sale deed or lease deed on a property for consideration of certificate, it has been informed that the Registering Officer can register such document if it has expired or on receipt of No Objection Certificate from the appropriate persons. For subsequent registration, the property should be clear of mortgage, whereas, the mortgage is in existence i.e., from the year 1990.

6.It is seen that the said mortgage deed is of the year 1998 and there is no material available to show that the suit is pending regarding the same or there is any other amount paid to redeem the said land. The petitioner is directed to give information of other person's address to enable them to hold an enquiry and pass appropriate orders. The District Registrar is directed to conduct an enquiry and pass appropriate orders on merits and in accordance with law within a period of six (6) weeks from the date of receipt of a copy of this order.



W.P(MD)No.214

7. With the above observations and directions, this writ petition is disposed of.

No costs.

WEB COPY

Index : Yes/No

Internet: Yes/No

am

08.01.2024

To

1.The Deputy Inspector General of Registration,
Integrated Building of Registration Department,
TNAU Nagar,
Rajakambeeram,
Y.Othakadai,
Madurai-625 107.

2.The District Registrar,
Madurai District (North),
Madurai.

3.The Sub-Registrar,
Office of the Sub-Registrar,
Registration District of Vadipatti,
Madurai District.



WEB COPY



W.P(MD)No.214

V.BHAVANI SUBBAROYAN, J.

am

W.P(MD)No.21429 of 2023

08.01.2024