



WP(MD). No.26631 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 10/09/2024

CORAM

The Hon`ble Mr.Justice N.SATHISH KUMAR

WP(MD). No.26631 of 2023

Pavunsamy

... Petitioner

Vs

1. The Sub Registrar,
Sub Registration Office,Theni..

2. Latha,
W/o.Kasthuri,
D.No.128/74c, South
Kulathur Street,Allinagaram, Theni..

3. Manikandan S M,
S/o.S.Mani, D.No.7-6-5, Sanjaigandhi,
3rd Street,Jeganathapuram,Palanichettipatti,
Theni Taluk and District..

... Respondents

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of mandamus thereby direct the 1st respondent to receive the sale deed (TP/157224596/2023) dated 04.08.2023 executed by the 2nd respondent in favour of the petitioner and register the same within the time stipulated by this Court.



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For Petitioner : Mr.P.Ganapathi Subramanian,
For Respondent : Mr.M.Siddharthan for R1
Additional Government Pleader
No appearance for R2

ORDER

The writ petition has been filed for a direction to direct the 1st respondent to receive the sale deed (TP/157224596/2023) dated 04.08.2023 executed by the 2nd respondent in favour of the petitioner and register the same within the time stipulated by this Court.

2. It is the case of the petitioner that the petitioner has originally entered an agreement with the 2nd respondent for purchasing the subject property. As she failed to comply the obligations, he has filed a suit in OS No.230/2020 for specific performance on the file of the Sub Court, Theni. The same has been decreed on 04.07.2023. Pursuant to the said decree, when the document was presented, the third respondent has objected the same citing that power of attorney has been executed by the 2nd respondent and received Rs.25 lakhs. Based on the said objection, the document has not been registered.



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3. The learned counsel for the petitioner would submit that the third respondent has now filed a suit in OS No.216/2021 for recovery of money. Therefore, there cannot be any objection for registering the document and it is also stated that even in the suit filed for specific performance by the petitioner, the third respondent filed an application to implead himself, which was dismissed in IA No.1/2021 by order dated 04.11.2022, which has reached finality. Hence, seeks a direction.

4. It is the contention of the learned Additional Government Pleader, on instructions, that the document has not been registered since the third respondent has objected for the same and originals are with him. However, the 2nd respondent has stated that document is missing.

5. Be that as it may. Now the third respondent has filed a suit only for recovery of money. In such view of the matter, there cannot be any difficulty in registering the document in favour of the petitioner. It is also made clear that if the third respondent succeeds in the suit, he can recover the money from the 2nd respondent. If the Court comes to the conclusion that the power is coupled with the interest, it is for the civil



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Court to pass appropriate orders for recovery of money on the property also. However, the document has to be registered in favour of the petitioner within a period of one week from the date of receipt of a copy of this order.

5. The writ petition is disposed of with the above direction. No costs.

10.09.2024

RR

TO

1. The Sub Registrar,
Sub Registration Office,
Theni..



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N.SATHISH KUMAR,J

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**ORDER
IN
WP(MD) No.26631 of 2023**

Date : 10/09/2024