



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2025

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.3649 of 2025

G.Govindasamy

... Petitioner

Vs.

1.The Inspector General of Registration,
O/o.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai 600 028.

2.The Sub Registrar,
Office of the Sub-Registrar, Joint-I, Salem West,
Collectorate Campus, Salem.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the refusal Check Slip No.RFL/1 Sub Registrar Salem West 10/25 dated 21.01.2025 issued by the 2nd respondent and quash the same as illegal and contrary to law and direct the 2nd respondent to register the sale deed and give the document to the petitioner.



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For Petitioner : Dr.A.Thiyagarajan
Senior Counsel for
Mr.S.Ramesh Kumar

For Respondents : Mr.M.Shajahan
Special Government Pleader

ORDER

This writ petition has been filed challenging the impugned refusal Check Slip issued by the 2nd respondent dated 21.01.2025 and for a consequential direction to the 2nd respondent to register the Sale Deed.

2.Heard Dr.A.Thiyagarajan, learned Senior Counsel appearing on behalf of the petitioner and Mr.M.Shahajan, learned Special Government Pleader appearing on behalf of respondents 1 and 2.

3.The case of the petitioner is that his vendor acquired right and title over the subject property by virtue of a Will dated 15.03.2022 executed by his brother P.Sivakumar. The petitioner has entered into an agreement of sale dated 29.09.2023 and the total sale consideration was fixed at Rs.70 Lakhs out of which Rs.30 Lakhs was paid as an advance. That apart, the petitioner claims that the possession of the property was also handed over to the petitioner. The vendor did not receive the balance sale



consideration from the petitioner and did not come forward to execute the Sale Deed.

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Hence, the petitioner filed a suit for specific performance in O.S.No.713 of 2023 before the I Additional District Court, Salem and the same was decreed in favour of the petitioner by judgement dated 12.02.2024.

4.After the above development, the vendor came forward to execute the Sale Deed in favour of the petitioner and the Sale Deed was presented for registration before the 2nd respondent. The 2nd respondent has refused to register the Sale Deed by virtue of the refusal Check Slip and the same has been put to challenge in the present writ petition.

5.The 2nd respondent has cited three reasons for not registering the document presented for registration. The first reason is that the Will is an unregistered document. This Court has repeatedly held that the Will is not a document which is compulsorily registrable. Therefore, the non-registration of the 'Will' will not in any way take away the effect of the Will executed in favour of the beneficiary.

6.The next reason that has been assigned is that there was an earlier agreement of sale. This ground also is not sustainable, since an agreement of sale by itself will not bar



the vendor from dealing with the property. This is more so since the decree for specific performance has been passed in favour of the petitioner.

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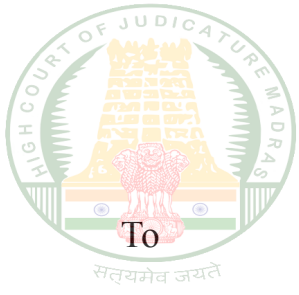
7.The third reason assigned is by citing one of the order passed by this Court in W.P.No.5955 of 2014. That order has nothing to do with the case in hand and that order pertains to cases where the property belonging to the temple and other public bodies are sought to be dealt with by misuing ex-parte decree. That will not apply to the case in hand.

8.In the light of the above discussion, this Court is inclined to interfere with the impugned refusal Check Slip issued by the 2nd respondent dated 21.01.2025 and the same is hereby quashed. There shall be a direction to the 2nd respondent to entertain the document and register the same, if it is otherwise in order.

9.This writ petition is allowed with the above directions. No Costs.

10.02.2025

Internet : Yes
Index : Yes
Speaking Order / Non Speaking Order
ssr



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N. ANAND VENKATESH, J.

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