



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2025

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.5641 of 2025
and W.M.P.Nos.6228 & 6229 of 2025

1.K.Murugan
2.K.Anandhi

... Petitioners

Vs.

1.The Inspector General of Registration,
No.12, Santhome High Road,
Mandavelipakkam,
Raja Annamalai Puram,
Chennai – 600 028.

2.The District Registrar,
Seyyar 604 407,
Thiruvannamalai District.

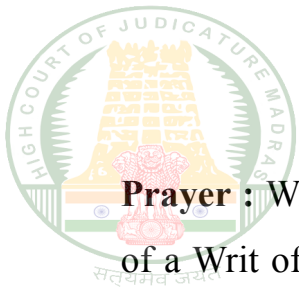
3.The Sub Registrar,
No.7, Arani Kottai Street,
Arani Town,
Thiruvannamalai 632 301.

4.Mr.K.Nagarajan

5.Mr.N.Sathish

6.Mr.N.Jaishankar

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings issued by the 3rd respondent Sub-Registrar, Arani in Checkslip no.1/2025 dated 06.01.2025, quash the same and further direct the 3rd respondent to register the document viz., agreement for sale dated 04.01.2025 presented by the petitioners before the 3rd respondent Sub Registrar, Arani on 05.001.2025 in relation to the property in Town Survey Nos.11/40 and 11/41 (Old Survey Nos.11/2 and 11/12) to the extent of 1.89 acres situated in D Block-1, 1st Ward, Pudukamoor village, Arani Taluk, Thiruvannamalai District.

For Petitioner : Ms.H.Mary Sowmi Rexi
for ISAAC Chambers

For Respondents : Mr.B.Vijay
Additional Government Pleader for R1 to R3
Mr.B.Ram Prasath for R4 to R6

ORDER

This writ petition has been filed challenging the impugned refusal Check Slip dated 06.01.2025 issued by the 3rd respondent and for a consequential direction to the 3rd respondent to register the Agreement for Sale executed in favour of the petitioners.

2.Heard Ms.H.Mary Sowmi Rexi, learned counsel appearing on behalf of the petitioners, Mr.B.Vijay, learned Additional Government Pleader appearing on behalf of

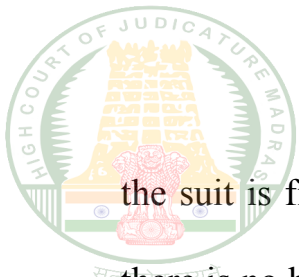


respondents 1 to 3 and Mr.B.Ram Prasath, learned counsel appearing on behalf of respondents 4 to 6.

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3.The vendor of the subject property executed the Sale Deed in favour of the petitioners and when the Agreement for Sale was presented for registration, the 3rd respondent has refused to register the Agreement for Sale on three grounds. The first ground is that there was an earlier agreement of sale entered into in the year 2012 and this agreement of sale was also registered as Document No.10039 of 2012, wherein, the vendor had received an advance amount of Rs.10 Lakhs. The second ground is that there is a suit pending in O.S.No.10039 of 2012 filed for specific performance and the status of the suit was not ascertained. The third ground is as to whether the vendor had repaid back the advance amount that was received by them from the earlier agreement holder.

4.In the considered view of this Court, all the three grounds that were raised by the 3rd respondent are unsustainable. There is absolutely no bar for the owner of the property to deal with the property even if there is an earlier agreement of sale and the law on this issue is now too well settled. That apart, it is submitted that there is no suit pending for specific performance pertaining to the subject property. Even assuming that



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the suit is filed, such sale made will be the subject to the result of the suit. Therefore, there is no bar in registering the Agreement for Sale even if a suit is pending except in a case where a restraint order has been passed by the Court injuncting the sale. The 3rd ground raised is totally irrelevant and it is not for the 3rd respondent to ascertain whether the advance amount received from the earlier agreement holder was repaid or not.

5.In the light of the above discussion, the impugned refusal Check Slip issued by the 3rd respondent dated 06.01.2025, is hereby quashed and there shall be a direction to the 3rd respondent to entertain the Agreement for Sale and register the same, if it is otherwise in order.

6.In the result, this writ petition stands allowed with the above directions. No Costs. Consequently, connected miscellaneous petitions are closed.

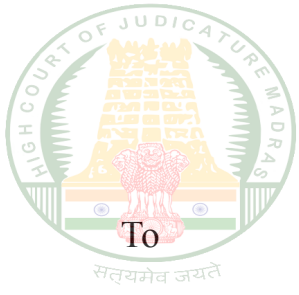
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Internet : Yes

Index : Yes

Speaking Order / Non Speaking Order
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N. ANAND VENKATESH, J.

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