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W.P.No.31224 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2025

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.No.31224 of 2025

M.Abubacker

... Petitioner

Vs.

1.The Joint II Sub-Registrar
Tindivanam
Villupuram District.

2.V.Thanigaivel

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the first respondent to release the sale deed dated 29.11.2024 executed by the petitioner and which was registered as PP.No.13/2020 on the file of the first respondent forthwith to the petitioner within a time limit to be stipulated by this Honourable Court.

For Petitioner : Ms.V.Keerthana

For R-1 : Mr.Abishek Murthy
Government Advocate



W.P.No.31224 of 2025

WEB COPY

ORDER

By consent of learned counsel on both sides, this writ petition is taken up for final disposal at the admission stage itself. In view of the order that this Court proposes to pass and also the limited relief that is sought to be granted, notice to respondent No.2 is dispensed with.

2. The present writ petition is filed praying for a writ of mandamus to direct the first respondent to release sale deed dated 29.11.2024, registered as PP.No.13/2020 on the file of the first respondent, forthwith to the petitioner.

3. It is submitted by the learned counsel for the petitioner that the petitioner is the absolute owner of the property comprised in S.No.266/1 measuring an extent of 11 cents situated at Kidangal Village, Tindivanam. The grievance of the petitioner is that the petitioner had sold the property and obtained sale consideration. However, the sale deed has not been released and kept pending citing pendency of suit in O.S.No.309 of 2022 filed by the second respondent. He further submits that the suit is for



W.P.No.31224 of 2025

WEB COPY

recovery of money and the same is pending. The pendency of the suit has nothing to do with the release of sale deed and the powers vested under the Registration Act does not confer any right to the first respondent to refuse return of sale deed executed by him.

4. At the outset, the learned Government Advocate for the first respondent would submit that the they have received a protest letter from the second respondent and therefore the document is kept pending. He would further submit that it is unclear whether the sale deed has been registered and thereafter kept pending or it is kept pending without having been registered. In any view, he would submit that the copy of the representation submitted by the second respondent would be furnished to the petitioner to enable the petitioner to respond. On such response being received from the petitioner, the sale deed would be registered if it is yet to be registered and would be released. On the other hand, if it has been registered, it would be released if it is otherwise in order. If for any reason, the respondent authority is of the view that the sale deed ought to be refused



W.P.No.31224 of 2025

WEB COPY

registration, he would do so after assigning reasons.

5. It is seen that the protest letter received by the first respondent has not been furnished to the petitioner in order to enable the petitioner to file a response. Without furnishing a copy of the protest letter or without affording an opportunity to the petitioner to respond, the first respondent ought not to have retained the sale deed presented for registration.

6. In view thereof, there shall be a direction to the first respondent to furnish a copy of the protest letter stated to have been received by the first respondent to the petitioner. Upon receipt of the same, the petitioner may file his objections/response to the said protest letter. The first respondent may consider the objections/response of the petitioner, after issuing notice to the petitioner, second respondent and any other interested parties including the rival claimants, if any and release the sale deed, if already registered, if it is otherwise in order. If the sale deed has not yet been registered and kept pending, the same may be registered, if it is



W.P.No.31224 of 2025

WEB COPY

otherwise in order. If for any reason, registration of sale deed is sought to be refused, the respondent shall issue refusal slip/order assigning appropriate reasons. It is made clear that this Court has not expressed any views with regard to the merits of the case and it is open to the first respondent to consider the matter on its own merits and in accordance with law.

7. Accordingly, the writ petition stands disposed of. There shall be no order as to costs.

28.08.2025

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No

Nhs

To

The Joint II Sub-Registrar
Tindivanam
Villupuram District.



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W.P.No.31224 of 2025

MOHAMMED SHAFFIQ, J.

Nhs

W.P.No.31224 of 2025

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