



WEB COPY



W.P.No.32470 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.10.2025

CORAM

THE HON'BLE Mr. JUSTICE KRISHNAN RAMASAMY

W.P.No.32470 of 2024

T.Karunakaran

... Petitioner

Vs.

1.The Sub-Registrar
Tambaram SRO,
Chennai 600 045.

2. Tmt.S.Amutua

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 1st respondent to admit and register the sale deed document, executed by the vendor 23.5.2023 after receipt of the entire sale consideration of Rs.72,00,000/- (Rupees seventy two lakhs only) for which document temporary registration number in TP/150887471/2023 dated 26.5.2023 was assigned after receipt of online payment of fees for registration, without insisting the presence of the Vendor.



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For Petitioner : Mr.J.Siddardhan

For Respondent : Mr.C.Jayaprakash, GA for R2, 3, 5 & 6
Mr.P.Harish, GA for R1 & 4

ORDER

This Writ Petition has been filed to direct the 1st respondent to admit and register the sale deed document, executed by the vendor dated 23.5.2023 after receipt of the entire sale consideration of Rs.72,00,000/- (Rupees seventy two lakhs only), without insisting upon the presence of the Vendor.

2. The learned counsel for the petitioner would submit that the petitioner intended to purchase a property bearing Survey No.240/3A1, Ward No."D", Block No.13, Town Survey No.92, Tambaram Village, Kulakarai 2nd Street, measuring an extent of 2400 Sq.Ft. of vacant land from the 2nd respondent for a sum of Rs.72,00,000/- and the said amount has also been paid by the petitioner to the 2nd respondent. After the payment of the aforesaid sum, the 2nd respondent executed a Sale Deed in favour of the petitioner on 23.05.2023. When the same was presented by



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the petitioner before the 1st respondent for registration on 26.05.2025, the 2nd respondent failed to appear before the 1st respondent due to which the 1st respondent refused to register the Sale Deed. Hence, this petition.

3. The learned Government Advocate appearing for the 1st respondent would submit that before registration of the Sale Deed, the 1st respondent conducted the enquiry under Sections 34 and 35 of the Tamil Nadu Registration Act, 1908 (in short 'the Act'), but neither the seller who is said to have executed the Sale Deed nor any of his representatives appeared. Therefore, in the absence of the seller or his representatives, the Authorities could not register the Sale Deed. Hence, the 1st respondent refused to register the Sale Deed presented by the petitioner.

4. Heard both sides. Perused the records.

5. In the case on hand, it is the contention of the petitioner that he has paid the entire sale consideration for the purchase of the aforesaid property from the 2nd respondent and the Sale Deed has also been



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executed by the 2nd Respondent in his favour. When the same was presented before the 1st respondent, the said Authority refused to register the same. The main contention of the 1st respondent is that when the Sale Deed was presented before the 1st respondent for registration, the said Authority has conducted enquiry under Sections 34 and 35 of the Act. Since none appeared on behalf of the seller who is said to have executed the Sale Deed, the 1st respondent refused to register the Sale Deed. There is no dispute with regard to non appearance of the seller at the time of registration. Therefore, the 1st respondent only after conducting due enquiry has refused to register the Sale Deed. Hence, I do not find any fault on the part of the 1st respondent in refusing to register the Sale Deed. Had the petitioner already paid the entire sale consideration, the only recourse available to him is to approach the Civil Court and prove the execution of Sale Deed. If any decree is obtained in favour of the petitioner for registration of the Sale Deed, the 1st respondent can very well register the same, if it otherwise in order, unless otherwise, the document presented by the petitioner cannot be registered.



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6. In view of the aforesaid position, I do not find any merit in this

Writ Petition and the same is liable to be dismissed. Accordingly, this

Writ Petition is dismissed. No costs.

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Speaking/Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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To

The Sub-Registrar
Tambaram SRO,
Chennai 600 045.



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KRISHNAN RAMASAMY.J.,

arr

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