



W.P.(MD)No.3411 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.02.2025

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

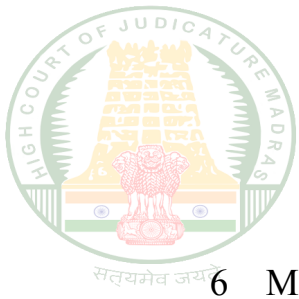
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A.Mohanlal Gandhi

...Petitioner

vs.

1. The Inspector General of Registration,
Office of the Inspector General of Registration,
No. 100, Santhome Highroad,
Mandavelipakkam,
Raja Annamalaipuram,
Chennai - 600028.
2. The Deputy Inspector General of Registration,
Office of the Deputy Inspector General of Registration ,
Madurai District.
- 3 The District Registrar
Office of the District Registrar, Madurai
District.
- 4 The Sub-Registrar
Office of the Sub-Registrar,
Alanganallur,
Madurai District.
- 5 Manavalan



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6 Manivanan

7 Mathiyarasu

8 Kannan

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the Respondent Nos. 1 to 4 to not to register any sale deed or modifications in the revenue records regarding to the lands in Survey no. 761/1 and 769, Muduvarpatti village, Vadipatti taluk, Madurai District by considering the petitioner's representation dated 30.01.2025.

For Petitioner : Mr.R.Bharath

For Respondents : Mr.R.Sureshkumar,
Additional Government Pleader

ORDER

By the consent of both sides, this writ petition is taken up for final disposal at the admission stage itself.



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2. The petitioner claims that his mother one Govindammal entered into a lease agreement with one Kamatchi @ Karunanithi for the lands in Survey No.761/1 and 769. The lease agreement was for a period of 4 years. Despite the expiry of the lease agreement, the petitioner pleads that they continue to be in possession of the property.

3. Kamatchi @ Karunanithi passed away and her children namely respondents 5 to 8 succeeded to her estate. The petitioner claims that he entered into an agreement of sale to purchase the property on 22.02.2018. Subsequently he got to know that the respondents 5 to 8 are attempting to alienate the property. Hence, he has given objection to the Sub Registrar, Alanganallur, Madurai District to note down his objections and prevent the alienation of the property. As there was no response, he gave a reminder on 30/01/2025 and has followed it up with this writ of mandamus to direct the respondents 1 to 4 not to entertain any deed with respect to Survey Nos.761/1 and 769, Muduvarpatti village, Vadipatti taluk, Madurai District.



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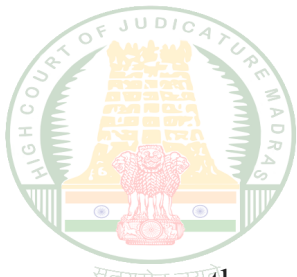
4. Heard Mr.R.Bharath, learned counsel appearing for the petitioner. Mr.R.Sureshkumar, learned Additional Government Pleader takes notice for the respondents 1 to 4. Since no adverse orders is going to be passed against the respondents 5 to 8, notice to them is dispensed with.

5. Mr.R.Bharath, narrated the aforesaid facts and pleaded

(i) that as the petitioner is in possession of the property, no document should be entertained,

(ii) as the petitioner has entered into an agreement of sale with respondents 5 to 8 on 22.02.2018, the respondents 5 to 8 are not entitled to alienate the property.

6. The learner Additional Government Pleader for the respondents 1 to 4 relies upon the Judgement of the Principal Bench of this Court in the case of **N.Ramayee vs. Sub-Registrar, Registration Department and another reported in (2020) 5 LW 385** to plead that the existence of agreement does not come within the scope of section 22-A of the Registration Act and therefore, the petitioner is not entitled for seeking



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the prayer as he has sought for.
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7. I have carefully considered the submissions of both sides.

8. The case of the petitioner is that he is a lessee who is supported by, an agreement of sale. The lease itself was for a period of 4 years. It was entered into in the year 1979 and thereafter, by efflux of time, had expired in the year 1983 or thereabout. The petitioner claims that he is supported by an agreement of sale dated 22.02.2018. Neither an agreement of sale nor the lease agreement, bar the original owners from entering into a sale transaction. It does not impinge the right of alienation of the respondents 5 to 8.

9. Mr.R.Bharath, pleads that the petitioner is in possession of the property. In order to prove that, the petitioner has to file a suit.

10. With respect to the agreement of sale, the remedy of a party who claims under such an agreement is to file a suit for specific performance of the agreement before the jurisdictional Civil Court. The



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Registrar is not empowered either under the Registration Act or the Rules made thereunder, to decide the issues pertaining to lease or agreement.

11. Under Section 54 of the Transfer of Property Act, an agreement holder does not have any right in the immovable property. This position has been captured by the Division Bench in N.Ramayee's case (*cited supra*).

12. When the petitioner has no right in the property, he cannot obviously give an objection to the Sub Registrar to prevent the original owners from registering a sale deed or any such document, as they desire, to deal with their property. If the petitioner has no right in the immovable property, he also cannot seek a mandamus to dispose of the representation. In order to consider the writ petition, the petitioner should have some tangible right. As I do not find any in the present case, I am not inclined to entertain the writ petition.



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13. The writ petition is dismissed. It is up to the petitioner to approach the jurisdictional Court for appropriate relief as he may be advised. No costs.

06.02.2025

NCC:Yes/No

Index:Yes/No

Speaking/Non-speaking order

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To

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No. 100, Santhome Highroad,
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V.LAKSHMINARAYANAN, J.

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