



W.P.(MD) No.3478 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.02.2025

CORAM:

THE HONOURABLE Mr.JUSTICE V. LAKSHMINARAYANAN

W.P.(MD)No.3478 of 2025

Muguntharajan

... Petitioner

Vs

1. The Sub Registrar,
Manamadurai Sub Registrar Office,
Sivagangai District.

2. M.Senguttuvan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the Impugned Refusal cheque slip No. RFL/ Manamadurai /3/2025 dated 27.01.2025 of the 1st respondent and quash the same as illegal and consequently directing the 1st respondent to register the document presented by the petitioner for registration within the period that may be stipulated by this Court.



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For Petitioner : Mr. V.G.Vallarasu Chezhiyan
For R1 : Mr.Mr.K.Suresh Kumar
Additional Government Pleader

ORDER

The petitioner challenges the Proceedings issued in refusal check slip No.RFL/Manamadurai/3/2025, dated 27.01.2025.

2.The petitioner claims that the property situated in S.No.325/2A2 at Konnakkulam Village, Soorakkulam Group, Manamadurai Taluk, Sivagangai District belongs to him. He claims ownership since his mother has executed a settlement deed in his favor on 12.02.2014. After having taken possession of the property out of 75 cents, he alienated 25 cents in favour of one Chitra, by way of a registered document, in Document No.1068 of 2019 on 26.04.2019.

3.With an intention to alienate the remaining 50 cents, he entered into an agreement of sale with one Senguttuvan. The parties have registered the agreement of sale in Document No.1254 of 2019, dated



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15.05.2019. Mr.Senguttuvan, though entered into the agreement, did not convert the agreement into a sale deed. Subsequently, the petitioner decided to execute a settlement deed in favour of his wife, namely, Vanitha. When he presented the document for registration, the Sub Registrar refused to register the same stating that as a previous agreement of sale is on his file, a settlement cannot be entertained. Challenging the same, the present writ petition has been filed.

4.I heard Mr.V.G.Vallarasu Chezhiyan, learned Counsel for the petitioner and Mr.R.Suresh Kumar, learned Additional Government Pleader.

5.By virtue of Section 54 of Transfer of Property Act, an agreement of sale does not confer any right on an agreement holder over the immovable property. The agreement holder certainly has a right to convert the sale agreement into a sale deed by approaching the civil Court, in case, the vendor refuses to execute the sale deed. For the fact that the agreement of sale has been registered does not mean that document cannot be received by the Sub Registrar for registration. The



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position of law has been settled by this Court in the case of *N.Ramayee Vs. The Sub Registrar, Valapady, Salem and another* reported in 2020 (CTC) PG 697. Despite the fact, the Court has settled the issue atleast five years ago, the Sub Registrar seems to be reeling under a misconception that on account of an agreement of sale, no further transactions can be entered into. The power to refuse registration is available under Sections 22A and 22B of the Registration Act. Existence of a previous agreement of sale is not a bar under both these sections. Therefore, I am not in a position to sustain the impugned order. It has to be set aside.

6. Therefore, the impugned order, dated 27.01.2025 is set aside. Accordingly, this writ petition is allowed. There shall be no order as to costs. It is open to the second respondent to present a suit for specific performance of the agreement of sale as against the petitioner, if he is so advised. The first respondent shall register the settlement document presented by the petitioner in favour of his wife, on 27.01.2025. The registration should be completed within a period of two weeks, from today.



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7.Post the matter after two weeks, for reporting compliance.

07.02.2025

NCC : Yes/No

Index : Yes/No

Internet : Yes

LR

To

The Sub Registrar,
Manamadurai Sub Registrar Office,
Sivagangai District.



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V. LAKSHMINARAYANAN, J.

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