



W.P.(MD).No.6508 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.03.2025

CORAM

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD).No.6508 of 2025

Dharmaraj

.. Petitioner

Vs.

1.The Sub-Registrar,
(Document Registration Department),
No.I, Joint Sub-Registrar Office,
Thoothukudi,
Thoothukudi District.

2.Balasubramanian

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus, calling for the records of the impugned refusal check slip in RFL/No.I Joint Sub-Registrar Thoothukudi/33/2025 dated 03.03.2025 passed by 1st respondent and quash the same and consequently issue direction to the 1st respondent to register the sale deed presented by the petitioner dated 03.03.2025.

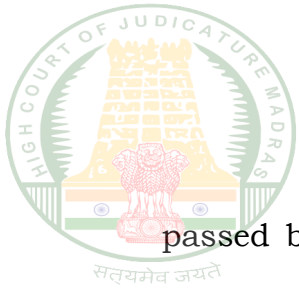
For Petitioner : Mr.S.Vishnuvardhan

For R-1 : Mr.R.Suresh Kumar
Additional Government Pleader

For R-2 : Mr.S.Kadarkarai

ORDER

This Writ Petition is filed challenging the impugned refusal check slip in RFL/No.I Joint Sub-Registrar Thoothukudi/33/2025 dated 03.03.2025

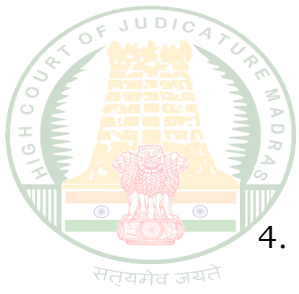


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passed by the first respondent and consequently, to issue direction to the first respondent to register the sale deed presented by the petitioner dated 03.03.2025.

2. The petitioner states that the property situated in Survey No.233/2A of Sankaraperi Village, Thoothukudi Taluk and District belonged to Ponnarasi and Ilakiyaselvi. Petitioner purchased the property from these two individuals by way of a registered sale deed dated 24.11.2021 in Document No.4616/2021. On the strength of the sale deed, he has also mutated the revenue records. He pleads that the second respondent had approached him to purchase the entire extent for a consideration of Rs. 2,73,70,000/-. Accordingly, a sale agreement was entered into between the parties on 03.11.2023. The said agreement is also registered in Document No.4712/2023. The petitioner pleads that an advance of Rs.1,00,000/- was paid and the time for completion of the sale agreement was six months.

3. The petitioner alleges that the second respondent has not shown any interest in converting the sale agreement into a sale deed. Hence, he issued a notice to the second respondent on 14.10.2024, which was suitably replied. As there was no progress from the second respondent, the petitioner approached the DTCP authorities and obtained approval for conversion of the property into layout.



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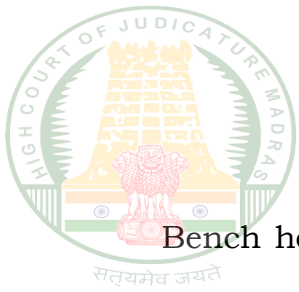
4. After obtaining the approval, he wanted to alienate one plot in the layout in favour of one Rajangam. He also presented a sale deed for registration on 03.03.2025. The first respondent issued the impugned refusal check slip stating that as there is a previous registered agreement, he will not receive the sale deed. Challenging the same, the present Writ Petition.

5. When the matter came up for admission, Mr.R.Suresh Kumar, learned Additional Government Pleader took notice for the first respondent. I issued notice to the second respondent. Mr.S.Kadarkarai has entered appearance for the second respondent.

6. I heard Mr.S.Vishnuvardhan for the petitioner, Mr.R.Suresh Kumar, learned Additional Government Pleader for the first respondent and Mr.S.Kadarkarai for the second respondent.

7. A reading of the impugned order shows that the first respondent has refused to register the document on the ground of pre-existing sale agreement.

8. This issue has already been considered by a Division Bench of this Court in ***N.Ramayee Vs. the Sub Registrar, Registration Department, Valapady, Salem District and another, 2020 (6) CTC 697***. The Division



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Bench held that the Registrar has no jurisdiction to refuse registration of a document except with respect to those covered under Section 22-A, 22-B of the Registration Act and Rule 162 of the Registration Rules.

9. A pre-existing agreement of sale, is not one, which is covered under any of the aforesaid provisions. By entering into an agreement of sale, an owner does not lose his right of alienation. Consequently, the impugned order is quashed. There shall be a direction to the first respondent to register the sale deed presented by the petitioner dated 03.03.2025, alienating Plot No.8 in favour of one Rajangam, within a period of two (2) weeks from the date of uploading of this order in the official website of this Court.

10. Needless to add, it is always open to the second respondent to approach the jurisdictional Civil Court and seek for such reliefs, as he is entitled to.

11. This Writ Petition is allowed in the above terms. There shall be no order as to costs.

26.03.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm



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To
The Sub-Registrar,
(Document Registration Department),
No.I, Joint Sub-Registrar Office,
Thoothukudi,
Thoothukudi District.



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V.LAKSHMINARAYANAN,J.

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