



W.P.(MD)No.10544 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 17.04.2025

CORAM

THE HONOURABLE MR.JUSTICE **V.LAKSHMINARAYANAN**

W.P.(MD)No.10544 of 2025

M.Karkannan

... Petitioner

vs.

1.The District Registrar,
Office of the District Registrar
Registration Department
Sivagangai District.

2.The Sub Registrar,
Joint No.1, Office of the Sub Registrar,
Thirupathur Road, Sivagangai -630 561.

3.The Sub Registrar,
Joint No.1, Office of the Sub Registrar,
Thirupathur Road, Sivagangai -630 561.

4.J.Neelavathi
5.Krishnakumar
6.Venkatesan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the 2nd and 3rd respondent herein to make entry of the objection petition given by the petitioner against the 4th to 6th respondents in the encumbrances with regard to the lands having Survey numbers as mentioned in the petitioner's representation, dated 07.03.2025.



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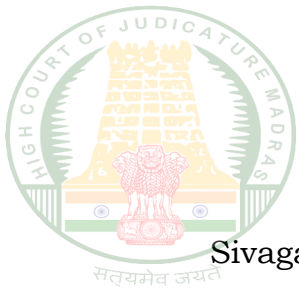
For Petitioner :Mr.Suresh
for Mr.C.Kumar
For R1 to R3 :Mr.R.Sureshkumar
Additional Government Pleader

ORDER

The petitioner seeks for the following relief:

“Writ of Mandamus, to direct the 2nd and 3rd respondent herein to make entry of the objection petition given by the petitioner against the 4th to 6th respondents in the encumbrances with regard to the lands having Survey numbers as mentioned in the petitioner’s representation, dated 07.03.2025.”

2.The petitioner is the Advocate. He had entered into an agreement with one Jeganathan, who is the father of the respondents No.5 and 6. The sale agreement was entered into on 28.09.2018. The petitioner claims that he paid an advance of Rs.5,00,000/- under the agreement and a further sum of Rs.10,00,000/- on 03.02.2020. The agreement holder Jeganathan passed away on 23.10.2020. As respondents No.5 and 6 refused to honour the agreement dated 28.09.2018, the petitioner was constrained to present a suit for specific performance of agreement of sale. The said suit has been numbered as O.S.No.173 of 2024 on the file of the District Judge at



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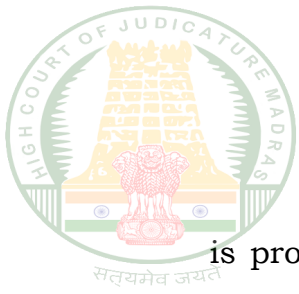
Sivagangai.

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3.The petitioner came to know that the respondents No. 5 and 6 are attempting to alienate the property. Therefore, he gave an objection on 07.03.2025 to the third respondent to ensure they do not alienate the property. As the third respondent did not act further, the petitioner has come forward with the present Writ Petition.

4.I have heard Mr.Suresh for Mr.C.Kumar for the petitioner. I have gone through the records.

5.Even if I have to take the case of the petitioner at the highest, he is only an agreement holder for the property. In terms of Section 54 of the Transfer of Property Act, an agreement of sale does not confer any right, title or interest in the immovable property. The petitioner, at best, can convert the sale agreement into a sale deed by resorting to the process of Court, which he has already done. By virtue of entering into an agreement of sale, the respondents No.5 and 6 do not lose their right to alienate the property. In any event, if the respondents No.5 and 6 alienate the property, the petitioner's interest



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is protected by Section 52 of the Transfer of Property Act. As he has no existing right over the immovable property, the State respondents have rightly not entertained the protest petition filed by the Writ Petitioner.

6.In the light of the above discussion, the Writ Petition is dismissed. No costs.

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

17.04.2025

cmr

To

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3.The Sub Registrar,
Joint No.1, Office of the Sub Registrar,
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V. LAKSHMINARAYANAN, J.

cmr

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