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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.01.2025

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.26148 of 2023

P.Sermaboopathy

... Petitioner

Vs

1.The District Registrar,
District Registrar Office,
Madurai South, Madurai.

2.The Sub Registrar,
No.4, Joint Sub Sub Registrar Office,
Madurai South,
Madurai.

3.P.Vikram

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the first respondent to conduct Field Survey(Kalapani) in the suit property bearing S.No. 75/21 and also to issue the original sale deed to the Petitioner.

For Petitioner : Mr.A.Ganesan

For RR 1 and 2 : Mr.D.Sadiq Raja
Addl.Govt.Pleader

ORDER

This Writ Petition has been filed for a direction, directing the



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first respondent to conduct Field Survey(Kalapani) in the suit property bearing S.No.75/21 and also to issue the original sale deed to the Petitioner.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The Petitioner had purchased the property comprised in S.No.75/21, situated at No.4-7/16, Pattimedu, Anaiyur, Madurai from the third respondent through sale deed, dated 22.5.2023 for valuable sale consideration. Since the third respondent is residing there, he wants to continue as a tenant after purchase of the subject property by the Petitioner. The Petitioner also permitted him to reside in the said property as a tenant for monthly rent. After registration of document, the second respondent when visited the subject property, the third respondent did not allow the Registering Authority to inspect the subject property to ascertain the value of the building. Therefore, the document which was registered vide document No.3634 of 2023 is within the custody of the second respondent. Apart from that, there is a dispute between the Petitioner and third respondent, in which, the Petitioner also filed a suit for recovery of possession in respect of the subject property



before the Taluk Munsif Court, Madurai and it is pending for trial.

Therefore the direction sought for in this Writ Petition directing the respondents 1 and 2 to conduct field inspection cannot be possible and therefore the Writ Petition is devoid of merits.

4. Accordingly, the Writ stands dismissed. However, the Petitioner is at liberty to settle the issue with the second respondent and after seeking permission, the second respondent can very well inspect the subject property for assessing the market value of the building and after collection of deficit stamp duty, release the sale deed.

08.01.2025

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

To

1. The District Registrar,
District Registrar Office,
Madurai South, Madurai.
2. The Sub Registrar,
No.4, Joint Sub Sub Registrar Office,
Madurai South,
Madurai.



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G.K.ILANTHIRAIYAN, J.

vsn

Order made in
W.P(MD)No.26148 of 2023

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