



W.P.(MD)No.31390 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **02.01.2025**

CORAM:

THE HONOURABLE **MR.JUSTICE G.K.ILANTHIRAIYAN**

W.P.(MD)No.31390 of 2024

N.Mujibur Rakuman

... Petitioner

/Vs./

1. The Inspector General of Registration,
O/o.The Inspector General of Registration,
Door No.100, Santhome High Road,
Chennai - 600 028.
2. The Deputy Inspector General
of Registration,
O/o.The Deputy Inspector General of Registration,
Tirunelveli District.
3. The Sub-Registrar
O/o.The Sub-Registrar Officer, Joint No.II,
Thachai Mandala Aluvalagam,
Arasan Bakery Backside, Tirunelveli Junction,
Tirunelveli City.
4. M.Petchipandian

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2, to consider the petitioner's representation dated 09.11.2024 and to initiate appropriate legal actions within a stipulated time that may be fixed by this Court.



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For Petitioner : Mr.S.Manojkumar

For Respondents : Mr.D.Sadiq Raja

Additional Government Pleader for R1-3

ORDER

This writ petition has been filed for a direction, directing the respondents 1 and 2, to consider the representation submitted by the petitioner dated 09.11.2024, to initiate appropriate action as against the third respondent alleging that the petitioner entered into an agreement for sale in respect of the property comprised in Survey Nos.1161/18 and 381/3 situated at Naranamalpuram Village, Tirunelveli District with one Kathija Beevi, Syed Mohammad, Ahammad Mydeen, Mariyambeevee, Pathimuthu, Jeenath nisha and Kaja Maideen, who owned the subject property. The said agreement was registered vide Document Nos. 960/2010 and 961/2010. While pending agreement, the owners of the property had executed sale deed in favour of the fourth respondent. Therefore, the petitioner submitted representation to take action as against the third respondent, who is the registering authority, alleging that when the agreement for sale pending in respect of the subject



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property, the owners of the property once again executed a sale deed in favour of the fourth respondent.

2. It is settled law that the agreement whether registered or un-registered cannot be an impediment for execution of sale deed in respect of the subject property. That apart, the petitioner had entered into an agreement for sale in the year 2010. Thereafter, the vendor's brother, namely, Abubackar, filed a suit in O.S.No.18 of 2010 on the file of the Principal Sub Court, Tirunelveli and the same was dismissed on 02.01.2012. Aggrieved by the same, he filed an appeal suit in A.S.No.41 of 2013 on the file of the Principal Sub Court, Tirunelveli and the same was allowed by the judgment and decree dated 30.09.2013. Aggrieved by the same, the petitioner and his family members filed second appeal in S.A.(MD)No.423 of 2014 before this Court and the same is pending.

3. In the meanwhile, the petitioner's vendor had executed a sale deed in favour of the fourth respondent vide document No.4095/2024 dated 21.10.2024. Therefore, the petitioner submitted representation, to take action as against the third respondent.



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

5. Admittedly, the petitioner did not file any suit for specific performance so far. Instead of filing a suit for specific performance, the petitioner lodged a complaint before the third respondent alleging that the petitioner's vendor had executed a sale deed in favour of the fourth respondent, while pending agreement for sale. It is settled law that the pendency of the agreement for sale is not an impediment for registering the sale deed. Therefore, the representation submitted by the petitioner cannot be considered, to take action as against the registering authority.

6. In view of the above, the writ petition is devoid of merits and the same is liable to be dismissed. Accordingly, the writ petition stands dismissed. No costs.

02.01.2025

Internet : Yes/No
NCC : Yes / No
LS



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TO:-

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O/o.The Deputy Inspector General of Registration,
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G.K.ILANTHIRAIYAN, J.

LS

Order made in
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