

In the High Court of Judicature at Madras

Dated: 11.8.2015

Coram:

The Hon'ble Mr.Justice M.Jaichandren

Writ Petition No.33154 of 2012

S.Jayalakshmi

.. Petitioner

vs.

1.The Inspector General of Registration,
Santhome,
Chennai-1.

2.The District Registrar [Central, Chennai],
Chennai-18

3.The Sub Registrar,
Villivakkam, Chennai-40.

4.The Commissioner of HR & CE,
Chennai-34.

5.The Executive Officer,
Kailasa Nadhar Temple, Padi,
Chennai-50.

[R4 & R5 impleaded as per order dt.2.1.13
in M.P.1/2012 and made herein)

.. Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India praying to issue a writ of mandamus, directing respondents 2 and 3 to register and return the Document [Sale deed dated 4.1.2012] Check Slip No.01/2012, dated 5.1.2012, to the petitioner without insisting upon any No Objection Certificate within a period of ten days from the date of receipt of copy of this order.

For petitioner : Mr.V.Raghupathi

For respondents : Mr.R.Ravichandran, AGP for R1-R3
Mr.K.V.Dhanapalan, AGP for R4-R5

O R D E R

Heard the learned counsels appearing on behalf of the parties concerned.

2. This Writ Petition has been filed praying that this Court may be pleased to issue a writ of Mandamus to direct the 2nd and 3rd respondents to register and return the sale deed, dated 4.1.2012, without insisting upon a No Objection Certificate from respondents 4 and 5.

3. At this stage of the hearing of the Writ Petition, the learned counsel appearing on behalf of the respondents had pointed out that the relief sought for, by the petitioner, in the present Writ Petition, is not maintainable. In fact, an order had been passed by the 3rd respondent, dated 5.1.2012, rejecting the request of the petitioner for registering the sale deed in question, without obtaining the No Objection Certificate from the authorities concerned.

4. In view of the submissions made by the learned counsels appearing on behalf of the respondents, this Court is of the considered view that the petitioner ought to have challenged the proceedings issued by the 3rd respondent, dated 5.1.2012, if she is aggrieved by the same. Instead, the petitioner has chosen to file the present Writ Petition praying for a writ of Mandamus, which is not maintainable.

5. Accordingly, the Writ Petition stands dismissed, as it is not maintainable. However, it goes without saying that it would be open to the petitioner to challenge the proceedings of the 3rd respondent, dated 5.1.2012, if she is aggrieved by the same, before the appropriate forum, in the manner known law.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

gs.

To

1.The Inspector General of Registration,
Chennai-1.

2.The District Registrar [Central, Chennai],
Chennai.

3.The Sub Registrar,
Villivakkam, Chennai-40.

4.The Commissioner of HR & CE,
Chennai-34.

5.The Executive Officer,
Kailasa Nadhar Temple, Padi
Chennai-50.

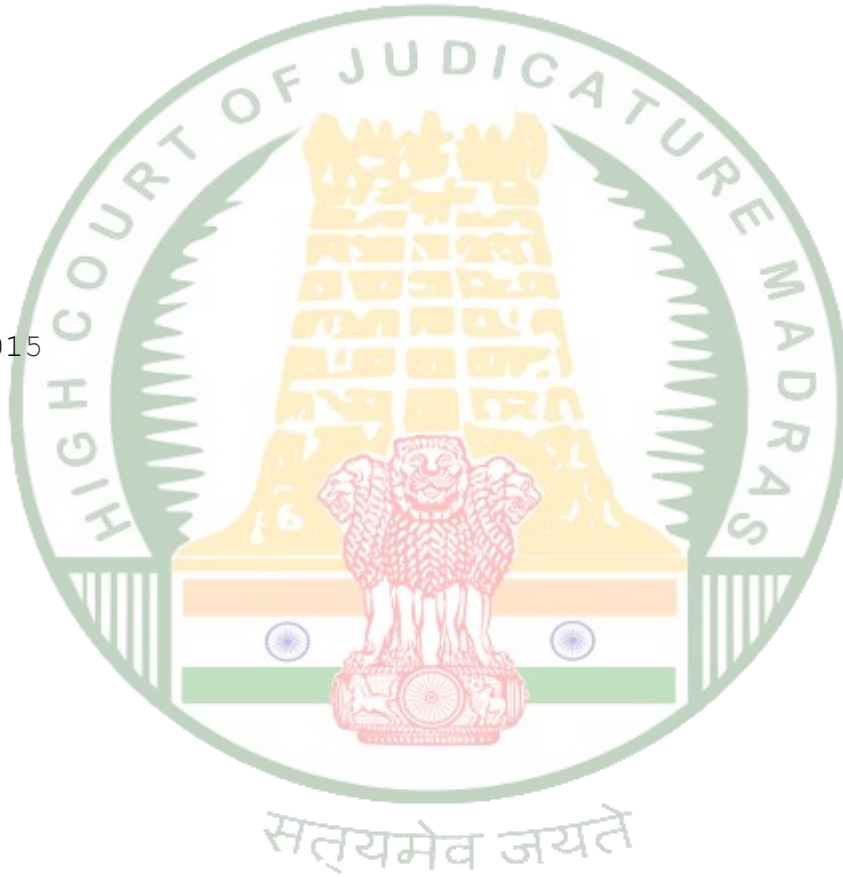
+1 cc to the Government Pleader sr.41987

+1 cc to Mr.V.Raghupathi, Advocate sr.42507

+1 cc to the Special Government Pleader(HR &CE)
sr.42458

WP 33154 of 2012

aa04/09/2015



WEB COPY