



WEB COPY

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.10.2015

CORAM :

THE HONOURABLE MR.JUSTICE R.SUDHAKAR

and

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Writ Petition (MD) No.18895 of 2015

Saroja Ammal

...Petitioner

Vs.

1.The Joint Sub Registrar No.1,
Office of the Registration Department,
Thanjavur.

2.Indian Overseas Bank,
Thanjavur Main Branch,
Rep by its Chief Manager,
No.1604, South Main Road,
Thanjavur 613 004.

3.Murugesan

...Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Ceriorarified Mandamus calling for records pertaining to the order of the 1st Respondent Va.No.25/2015 dated 15.09.2015 and quash the same as illegal void and ultravires and forbear the 1st Respondent from entertaining any document for registration relating to the property of land and building measuring 6000 square feet comprised Old TS No.3018/2 New TS No.31 Rajaji Nagar Ward No.4 Plot No.10 Srinivasapuram Thanjavur covered under the document No.6980/2011 dated 30.11.2011 of the instance of the third respondent without following the mandatory provisions under Section 13(13) of Securitization and Reconstruction of Finance Assets and Enforcement of Security Interest Act.

For Petitioner	: Mr.D.Rajagopal
For 1 st Respondent	: Mr.A.K.Baskarapandian, Special Government Pleader.
For 2 nd Respondent	: Mr.N.Dilipkumar

ORDER

(Order of the Court was made by R.SUDHAKAR,J.)

We have heard Mr.D.Rajagopal, learned counsel for the petitioner.

2.The impugned proceedings of the first respondent states that if the document is presented before him, is in accordance with the provisions of the Registration Act, the authority would have no hesitation to refuse to register the document. He has also stated that if the petitioner has any grievance against the registration of a document, he can approach appropriate forum as per law.



3.The apprehension of the petitioner is that the third respondent private individual will sell away his property on which he claimed certain rights. The petitioner cannot invoke Article 226 of the Constitution of India to establish such a claim. It is to be noted that SARFAESI proceedings are also pending and therefore, the petitioner is at liberty to work out his remedy in accordance with the said provisions of law.

4.The writ petition is accordingly dismissed. No costs. Consequently, M.P(MD)Nos.1 to 3 of 2015 are closed.

Sd/-

Assistant Registrar(Crl.side)

/True Copy/

Sub Assistant Registrar

To

1. The Joint Sub Registrar No.1,
Office of the Registration Department,
Thanjavur.

2. The Chief Manager,
Indian Overseas Bank,
Thanjavur Main Branch,
No.1604, South Main Road,
Thanjavur 613 004.

+1cc to M/s.D.Rajagopal, Advocate in SR.No.62037

+1cc to M/s.N.Dilipkumar, Advocate in SR.No.61957

+1CC to the Special Government Pleader, in SR.No.61644

Writ Petition (MD) No.18895 of 2015

15.10.2015

sms

PBK/GSV-PM 05/11/2015 ::2P-6C::