



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.12.2015

CORAM:

WEB COPY

THE HON'BLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.(MD)No.22655 of 2015

D.Annal Jeeva

... Petitioner

Vs.

1.The Registrar General
Department of Registration,
Santhome, Chennai.

2.The District Registrar,
Kanyakumari District at
Nagercoil.

3.The Sub Registrar,
Arumanai Sub Registration Office,
Arumanai Post,
Kanyakumari District.

4.Jertrut Monickam
5.Stephen

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents more particularly the 3rd respondent to delete the entry relating to the lease executed by the 4th respondent Jertrut Monickam in favour of 5th respondent Stephen on 13.04.2007 as Doc.No.799/2007 in respect of S.No.146 of Arumanai Village Kanyakumari District.

For Petitioner : Mr.R.Nandakumar
For RR - 1 to 3 : Mr.K.Mahesh Raja
Government Advocate

ORDER

This writ petition is filed seeking for a mandamus directing the third respondent to delete the entry made in a lease deed executed by the fourth respondent in favour of the fifth respondent on 13.04.2007 registered as Document No.799/2007 in respect of Survey No.146, Arumanai Village, Kanyakumari District.



2.The case of the petitioner is that the fourth respondent is not entitled to the subject matter property enabling her to execute such lease deed in favour of fifth respondent in view of various civil proceedings. Therefore, it is contended that the third respondent has to delete the entry made in the lease deed dated 13.04.2007 executed by the fourth respondent in favour of the fifth respondent in respect of the above said property. I failed to understand as to how this writ petition is filed invoking the jurisdiction of this Court under Article 226 of the Constitution of India, when the facts and circumstances would show that it is purely a civil dispute between the petitioner on one hand and the 4th and 5th respondents on the other hand sought to be adjudicated by this Court. I do not find that registering authority has got any power to delete an entry made in a document already registered before him, even assuming that such entry is wrongly made by the parties to the document. Needless to say that it is for the petitioner to work out her remedy before the competent civil Court, if she has any legal right.

3.Accordingly, I find that this writ petition is not maintainable and consequently the same is dismissed with liberty to the petitioner to agitate her right before the competent civil Court. No costs.

Sd/-

Assistant Registrar (P&A)

/True Copy/

Sub Assistant Registrar

To

- 1.The Registrar General
Department of Registration,
Santhome, Chennai.
- 2.The District Registrar,
Kanyakumari District at
Nagercoil.
- 3.The Sub Registrar,
Arumanai Sub Registration Office,
Arumanai Post,
Kanyakumari District.

+ 1 CC TO MR.R.NANDAKUMAR, ADVOCATE IN SR NO. 72172
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR NO. 72215

MJ