

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10/3/2016

C O R A M

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.8976 of 2016

G.Ramraj

... Petitioner

Vs

The Sub Registrar
Tirukoilur
Villupuram District.

.... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus to call for the records of the respondent in objection Petition No.10/2016 dated 8/2/2016 and quash the same and thereby forbear the respondent from entertaining any document for registration pertaining to property of the petitioner in S.No.238/1A1A1A1 situated at South Street, Tirukoilur, New S.No.1004/38-206 sq.mtrs within the boundaries stated in the impugned order.

For Petitioner ... Mr.N.Suresh

For respondent ... Mr.V.Jayaprakash Narayanan
Special Government Pleader

O R D E R

With the consent of the learned counsel appearing on either side, this writ petition is taken up for final disposal, at the admission stage itself.

2. Heard Mr.N.Sundar, learned counsel for the petitioner and Mr.V.Jayaprakash Narayanan, learned Special Government Pleader for the respondent.

3. This writ petition has been filed praying to quash the order passed by the respondent in objection Petition No.10/2016, dated 8/2/2016 and thereby forbear the respondent from entertaining any document for registration pertaining to property of the petitioner in S.No.238/1A1A1A1, situated at South Street, Tirukoilur, New S.No.1004/38-206 sq.mtrs within the boundaries stated in the impugned order.

4. The case of the petitioner is that in respect of the above mentioned property, a suit was filed by the grandmother of the petitioner viz., Venkata Rathinammal and three sons, in O.S.No.88 of 1998, on the file of the learned Sub-Judge, Villupuram, for specific performance, against one Saravanakumar and others. Pending the suit, the grandmother of the petitioner died. Hence the petitioner and his brothers were impleaded as legal representatives. The said suit was dismissed for default and application for restoration also came to be dismissed in I.A.No.902/2003. Against the said order, the petitioner had filed C.M.A.No.15 of 2005, before the learned District Judge, Villupuram, but the same was also dismissed for default and hence I.A.No.433 of 2010 has been filed for restoration of appeal and the same was dismissed on 23/2/2011. Hence the petitioner had preferred CRP (NPD) No.3496 of 2011 before this Court and the same was admitted on 20/9/2011. Now, the persons who are not even connected to the property are now attempting to alienate the property. Hence the petitioner had filed a Protest Petition before the Sub-Registrar, Thirukoilur, Villupuram District, with a prayer that the respondent should not entertain any document for registration in respect of the subject matter of the suit. But on 8/2/2016, the respondent has passed the impugned order, rejecting the request of the petitioner stating therein that he should work out his remedy before the appropriate Court. Aggrieved against the said order, the petitioner has come up with the present writ petition, praying for the relief as stated therein.

5. The learned counsel appearing for the petitioner would submit that the impugned order passed by the respondent is not in accordance with the provisions of Section 52 of the Transfer of Property Act and hence the same is liable to be quashed.

6. Considering the facts and circumstances of the case, this Court is of the considered view that when an objection raised by a litigant, it is the bounden duty of the authority concerned, to conduct enquiry, on the matter in issue, before registering the document. Without following the due procedure of law, the respondent cannot simply reject the same.

7. In view of the above, a direction is issued to the Sub-Registrar, Tirukoilur, Villupuram District, to conduct an enquiry, in the subject matter in question, and pass an appropriate orders on merits and in accordance with, after affording an opportunity of personal hearing to the petitioner as well as to all the necessary parties, within a period of four weeks, from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim of the petition.

8. With the above direction, this writ petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

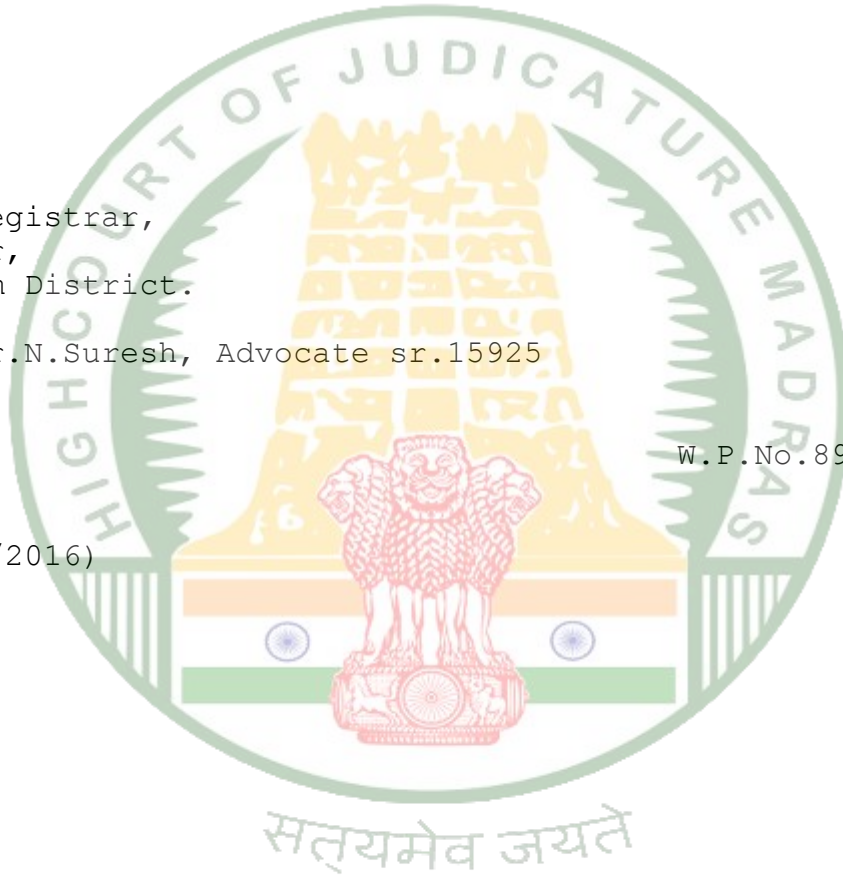
To

The Sub Registrar,
Tirukoilur,
Villupuram District.

+1cc to Mr.N.Suresh, Advocate sr.15925

W.P.No.8976 of 2016

cnr (CO)
srg (15/03/2016)



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