



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.06.2016

CORAM :

THE HONOURABLE MR.JUSTICE NOOTY.RAMAMOHANA RAO
and
THE HONOURABLE MR.JUSTICE S.S.SUNDAR

Writ Appeal (MD) No.913 of 2016

M.Nepoleon

...Appellant/Petitioner

-Vs-

1. The Sub-Registrar,
Manokaran Complex,
Sirumelkudi Road,
Near Mukoottu Road,
Maddukkur,
Pattukottai Taluk,
Thanjavur District.

2. The District Registrar,
No.32, K.M.S.K.Chettiar Complex,
Aranthanki Road,
Pattukottai,
Thanjavur District.

3. The Inspector General of Registration,
O/o The Inspector General of Registration,
Chennai.

4. The District Collector,
Thanjavur District,
Thanjavur.

... Respondents/Respondents

Appeal filed under Clause 15 of Letters Patent Act praying to set aside the order dated 02.09.2015 made in W.P(MD)No.15887 of 2015.

Prayer in WP(MD). 15887/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari to call for the entire records in connection with the Document No. 924 of 2015 dated 03.08.2015 on the file of the 1st Respondent and quash the same.



For Appellant

: Mr.S.Pari

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JUDGMENT

**(Judgment of the Court was delivered
by NOOTY.RAMAMOohana RAO,J)**

This Writ Appeal has been preferred by the writ petitioner whose writ petition is dismissed by the learned Single Judge by his order dated 02nd September 2015.

2. The petitioner/appellant claims that he is a joint pattadar of a parcel of land. It is his further averment that the other co-owner has unjustifiably and illegally transferred the right, title and interest thereon in favour of a third party by executing a conveyance deed and also got it registered. It is, therefore, prayed in the writ petition that the act of registration of conveyance deed by the Sub-Registrar, is illegal.

3. During the course of judgment, the learned Single Judge has noticed that the writ petitioner/appellant has already instituted a civil suit in O.S.No.18 of 2014 for partition and that was pending on the file of the learned Additional District Judge, Pattukkottai. It is also appropriate to record that an interlocutory application was taken out in the suit seeking grant of injunction to restrain the party concerned from alienating the suit schedule property which obviously includes the one with which the dispute relates in this case.

4. The entire question revolves around as to whether the Sub-Registrar - the authority constituted under the Registration Act, to attend to the act of Registration of compulsorily registrable documents can be enquired into in a writ petition. While entertaining and attending to an act of registration, the Sub-Registrar does not discharge any quasi-judicial functions. He cannot make an enquiry with regard to the right, title and interest in any immovable property vis-a-vis, execution of any document. Such issues can only be objected to or raised before the civil Court and after gathering appropriate and necessary evidence from both sides, an appropriate finding of fact can be recorded. Therefore, the conclusion reached by the learned Single Judge by dismissing the above writ petition is acceptable and we are in complete agreement therewith.

<https://hcservices.courts.gov.in/hcservices/> 5. This being the case, the suit for partition is pending. The equity available amongst the Co-owners or the stake holders can be worked out while passing final decree by the civil Court. Therefore, we



do not see any merit in the writ appeal for us to entertain the same and accordingly, the writ appeal is dismissed. No costs.

Sd/-

Assistant Registrar (CS-II)

WEB COPY

/True Copy/

Sub Assistant Registrar

TO

1. The Sub-Registrar,
Manokaran Complex,
Sirumelkudi Road,
Near Mukoottu Road,
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Pattukottai Taluk,
Thanjavur District.
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O/o The Inspector General of Registration,
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Thanjavur District, Thanjavur.

+1cc to the Special Government Pleader, Sr.No.27967

gsr

JM/KBM/SAR-III/15.06.2016/3P-6C

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