



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 18.04.2016

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THE HONOURABLE MR.JUSTICE B.RAJENDRAN

W.P(MD)No.6833 of 2016 & W.P(MD)No.6834 of 2016

W.P(MD)No.6833 of 2016:

Bhagavath Singh

..Petitioner

Vs

- 1.The Registrar,
Palayamkottai Registration District,
Collectorate,
Tirunelveli District.
- 2.The Sub-Registrar,
Burkitmanagaram Sub-Registration Office,
Palayamkottai,
Tirunelveli District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari to call for the records relating to the order of Murappanadu Sub-Registrar proceedings in Thadangal Manu No.5/2016 dated 16.03.2016 and quash the same.

W.P(MD)No.6834 of 2016:

Sivasakthi Balan

...Petitioner

Vs

- 1.The Registrar,
Palayamkottai Registration District,
Collectorate,
Tirunelveli District.
- 2.The Sub-Registrar,
Murappanadu Sub-Registration Office,
Palayamkottai,
Tirunelveli District.

...Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari to call for the records relating to the order of Murappanadu Sub-Registrar proceedings in Thadangal Manu No.4/2016 dated 16.03.2016 and quash the same.

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For Petitioners
in both WPs :Mr.K.R.Singaravadivel

For Respondents
in both WPs :Mr.K.Mahesh Raja
Govt.Advocate.

COMMON ORDER

Both these writ petitions are dismissed in limine.

2.The writ petitioners who alleged that they are the owners of the properties, in the affidavit, only say that some third persons are trying to enter into the properties and hence, the Registrar should not register any document in respect of that Survey number.

3. According to them, the orders were passed suo motu on the same day. Therefore, the orders are not legal. They also contended that their representations have not been considered. Therefore, the petitioners challenge the said orders and prayed to quash the orders.

4. Heard the learned Counsel appearing for the petitioners and the learned Government Advocate appearing for the respondents.

5. A careful perusal of the orders, would clearly state that there is no provision in law, to summarily stop the registration. In fact, he relied upon Section 35 of the Registration Act, to say that unless it is properly documented, it cannot be registered. The Section itself is very clear that if any person by whom the document purports to be executed, is dead, and his representative or assignee denies its execution the registering officer shall refuse to register the documents as directed under Sections 58 to 61 of the Act. They summarily asked to stop the registration of the property without even intimating the parties concerned. It is always open to the petitioners to file a civil suit and such a blanket order cannot be asked for. Therefore, the respondents have rightly rejected the claim of the petitioner.

6. With the above observations, these writ petitions are dismissed. No costs.

Sd/-
Assistant Registrar(CS I)

/True copy/



TO

- 1.The Registrar,
Palayamkottai Registration District,
Collectorate,
Tirunelveli District.
- 2.The Sub-Registrar,
Burkitmanagaram Sub-Registration Office,
Palayamkottai, Tirunelveli District.
- 3.The Sub-Registrar,
Murappanadu Sub-Registration Office,
Palayamkottai,
Tirunelveli District.

+1cc to Mr.K.R.Singaravadivel, Advocate in SR.No.21839
+1cc to special Government Pleader SR.No.22046

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W.P (MD) Nos.6833 & 6834 of 2016
18.04.2016