

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2018

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.891 of 2017
and
W.M.P.Nos.893& 894 of 2017

1. P.Chellamuthu
2. S.Rani ... Petitioners

Vs.

1. The Sub-Registrar,
Sub-Registrar Office,
Ganapathi,
Coimbatore.
2. A.Loganathan ... Respondents

Writ Petition filed under Article 226 of the constitution of India to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned proceedings of the 1st respondent dated 1.7.2016 made in No.308/2016 and quash the same insofar as the last para of the order directing the petitioners to obtain appropriate orders form a competent court and thereafter present any document for registration and direct the 1st respondent ot register documents when presented by the petitioners pertaining to their property situated at S.F.No.3/1A Part, Villankurichi Village, Coimbatore, measuring an extent of 1.95 acres.

For Petitioners : Mr.L.Chandrakumar for
Mr.N.Chinnaraj

For Respondents : Mr.D.Suriyanarayanan,
Additional Government Pleader for R1
Mr.C.R.Prasanan for R2

O R D E R

The petitioners are aggrieved against the order of the first respondent dated 01.07.2016, more particularly, with regard to certain findings/ observations made by him in the said order touching upon the title to the property in dispute.

2. According to the petitioners, though the Sub-Registrar was right in driving the parties to establish their right and title before the Civil Court, he ought not to have made those observations in the said order touching upon the title to the property.

3. Heard Mr.L.Chandrakumar, learned counsel for the petitioners, Mr.D.Suriyanarayanan, learned Additional Government Pleader appearing for the first respondent and Mr.C.R.Prasanan, learned counsel appearing for the second respondent.

4. Admittedly, two civil suits are pending between the parties. O.S.No.358 of 2014 is the suit filed by the petitioners on the file of the District Court, Coimbatore, against the second respondent and others including the first respondent herein seeking for declaration to declare that the plaintiffs are absolute owners of the suit property as per the sale deed dated 20.03.2012 registered as Document No.1647/2012 and for permanent injunction. O.S.No.415/2014 was filed by the second respondent and three others on the file of Sub-Court, Coimbatore against the petitioners and others including the first respondent herein seeking for declaration to declare the Sale Deed dated 20.03.2012 in Document No.1646/2012 as null and void and not binding upon the plaintiffs therein and for other reliefs. Thus, it is evident that two civil suits are filed by the respective parties as stated supra, where undoubtedly, the title of the parties has to be considered and decided by the Civil Court. When such being the factual position, any observation made by the first respondent in the impugned order will not have any bearing on the Civil Court as the first respondent is not competent to decide the title. Therefore, it is for the parties to work out their remedy before the Civil Court where the suits are pending.

5. Therefore, this writ petition is disposed of by directing the parties to agitate the matter before the Civil Court as directed by the first respondent, however, by making it clear that any observation touching upon the title made by the first respondent in the impugned order shall not be taken advantage of by any parties before the Civil Court as they are bound to establish their right and title by adducing documentary evidence and other supporting evidence, independent of the findings rendered by the first respondent. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

vsi

To

The Sub-Registrar,
Sub-Registrar Office,
Ganapathi,
Coimbatore.

+1cc to Mr.N.Chinnaraj, Advocate, S.R.No.17445

+1cc to Mr.C.R.Prasanan, Advocate, S.R.No.17291

W.P.No.891 of 2017

MP (CO)

RRK (21/03/2018)



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