

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.07.2019

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.20442 of 2009

and

M.P.No.1 of 2009

B.Santhamani

..Petitioner

Vs

1.The Inspector General of Registration (Stamps),
Santhome,
Chennai - 600 028.

2.The Sub Registrar,
O/o.Avinashi Sub Registrar Office,
Avinashi.

3.Subbathal

4.Ramathal

5.Rathinambal

6.Mayangathal

7.Rajeswari

8.Easwaramurthy

9.Mani Gounder

10.Viswanathan

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, seeking issuance of a writ of certiorarified mandamus, calling for the records relating to the order dated 19.08.2009 made in Obstruction Petition No.17/2009 passed by the 2nd respondent and quash the same and consequently forbearing the 2nd respondent from registering any document in respect of the properties comprised in Old S.F.No.340, New S.F.No.340/1 admeasuring an extent of 9.57 acres situated at Rakkiapalayam Village, Avinashi Taluk.

For Petitioner : Mr.G.Ethirajulu

For Respondents : Mr.P.P.Purushothaman
Government Advocate for R1 & R2
Mr.M.Velmurugan for R3 to R10

O R D E R

Heard the learned counsel for the petitioner, the learned Government Advocate for the respondents 1 and 2, the learned counsel for the respondents 3 to 10 and perused the materials available on record.

2. The order impugned in this writ petition is the rejection of the petitioner's request to object registration of the document, in respect of the properties situated at Rakkiapalayam Village, Avinashi Taluk, measuring an extent of 9.57 acres out of 19.14 acres. There was a rival claim between the petitioner and the private respondents 3 to 10.

3. It is seen that a civil and criminal cases came to be registered with regard to the aforesaid properties. Some of the respondents in this writ petition instituted a suit in O.S.No.641 of 2004 before the Sub Court, Tiruppur, the same was transferred to the Sub Court, Avinashi and renumbered as O.S.No.107 of 2016 and it was dismissed on 27.04.2019. By the impugned order, the second respondent directed the petitioner to approach the Civil Court, with regard to the objection over the registration of the document in respect of the properties referred supra.

4. The learned Government Advocate appearing for the respondents 1 and 2 would submit that there is no provision under the Registration Act for the second respondent, refusing to register the document based on the objections raised by the petitioner.

5. In the light of the above facts, I find no merit in this writ petition. Accordingly, the writ petition is closed. However, granting liberty to the petitioner to approach the Civil Court for redressal of his grievances, if any. No costs. Connected miscellaneous petition is closed.

ms

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

1.The Inspector General of Registration (Stamps),
Santhome, Chennai - 600 028.

2.The Sub Registrar,
O/o.Avinashi Sub Registrar Office,
Avinashi.

+1cc to Mr.M.Velmurugan, Advocate, SR.No.65381
+1cc to the Govt.Pleader, Vide Sr.No.65512
+1cc to Mr.G.Ethirajulu, Advocate, SR.No.65127

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Kak(12/09/2019)



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