

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED:30.08.2019
CORAM
THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
W.P. No.21912 of 2013
and
M.P.No.1 of 2014

Ka.Lakshmanan

..Petitioner

1.The Inspector General of Registration,
Santhome, Chennai-28

2.The Sub-Registrar,
Suramangalam Sub-Registrar,
Salem-636 005

3.R.Babu
5.Arumugam
6.P.Ammavasai
7.Jaganathan

.. Respondents

(R3 to R6 impleaded as per order dated 10.02.2014 in MP.No.1 of 2013 in W.P.No.212912 of 2013)

Prayer: The Writ Petition has been filed under Article 226 of the Constitution of India, seeking issuance of a writ of Certiorarified Mandamus to call for the records pertaining to the impugned order in the proceedings No.Tha.Ma.No.21/2013 dated 17.07.2013 on the file of the 2nd respondent and quash the same, consequently forbear the 2nd respondent from registering any documents relating to the petitioner's property admeasuring 2666 Sq.Ft., comprised in Old Survey No.4/2, New Survey No.4/2D & 4/3-A, in Sivadhapuram (Andipatti) Village, Salem Siddhar Koil Main Road, Salem Taluk and District, Within the Sub-Registration District of Suramangalam and Salem West Registration District, without notice to the petitioner.

For Petitioner :Mr.R.Neelagandan

For Respondents :Mr.P.P.Purushothaman
Government Advocate for R1
Mr.S.Santhy for Mr.J.Karuppiyah
for R6

ORDER

This petition has been filed challenging the impugned order passed by the 2nd respondent in the proceedings No.Tha.Ma.No.21/2013 dated 17.07.2013 and to forbear the 2nd respondent from registering any documents relating to the petitioner's property admeasuring 2666 Sq.Ft., comprised in Old Survey No.4/2, New Survey No.4/2D & 4/3-A, in Sivadhapuram (Andipatti) Village, Salem Siddhar Koil Main Road, Salem Taluk and District, within the Sub-Registration District of Suramangalam and Salem West Registration District, without notice to the petitioner.

2.The petitioner would state that in respect of the property in dispute Civil Suits are pending in O.S.No.561 of 2007 on the file of Principal District Munsif Court, Salem; O.S.No.53 of 2010 on the file of II Additional District Munsif Court, Salem, and O.S.No.1220 of 2010 on the file of I Additional District Munsif Court, Salem. The objection of the petitioner dated 19.06.2008 to register any documents relating to the above said suit properties was rejected by the 2nd respondent by the impugned order dated 17.07.2013. Aggrieved over the same, the petitioner has come up with the Writ Petition.

3. Mr.R.Neelagandan learned counsel for the petitioner would urge that the impugned order is against the law and the same is liable to be quashed as the 2nd respondent deliberately had not looked into the instructions given by the 1st respondent. It is further contended that when the litigations are pending, the 2nd respondent ought not to have registered the document in favour of the 6th respondent.

4. Per contra Mr.P.P.Purushothaman learned Government Advocate and Mr. Mr.S.Senthil learned counsel appearing for the 6th respondent would contend that the sale deed executed by the respondents 3 to 5 was registered in favour of the 6th respondent and until the petitioner establishes his title in the pending suits, he is not entitled to make any objection for registering the document. It is stated that there is no order from a competent Court restraining the 2nd respondent from restraining any document relating to the suit property by the Civil Court, hence no interference is required in the present case.

5.In the case on hand, it is seen that the petitioner claims right over the property in old survey No.4/2, new survey No.4/2D and 4/3-A, in Sivadhapuram (Andipatti) village,

Salem Siddhar Koil Main Road, Salem Taluk and District. Even according to the petitioner, three suits are pending since 2007. It is pertinent to note that under the Registration Act, the 2nd respondent has no power to withhold the registration of any document, unless there is specific order from the competent Court. Admittedly, in this case, there is no order restraining the 2nd respondent from registering the document in favour of the 6th respondent. Further the right of the petitioner is yet to be affirmed in the pending litigations.

6. Indisputably sale deed has also been already registered in favour of the 6th respondent. Therefore, the petitioner's only remedy is to approach the Civil Court for proper relief. In such view of the matter, I do not found any valid ground to set aside the impugned order. In that view, the Writ Petition stands dismissed as devoid of merits. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar(CSIII)

True Copy

Sub-Assistant Registrar

vsn

To

1.The Inspector General of Registration,
Santhome, Chennai-28

2.The Sub-Registrar,
Suramangalam Sub-Registrar,
Salem-636 005

+1 cc to Mr.T.Nixon Advocate sr75744

+1 cc to Government Pleader sr76155

W.P. No.21912 of 2013
and

M.P.No 1 of 2014

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