

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.04.2019

CORAM

THE HON'BLE MR. JUSTICE D. KRISHNAKUMAR

WP. No.4520 of 2014
and
MP.No.1 of 2004

N.Chandran

... Petitioner

Vs.

1.The Sub-Registrar,
Sub-Registrar Office,
J.J.Complex,
Thirumangalam,
Chennai - 600 040.

2.N.Kothadevi

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, forbearing the first respondent from registering any document presented by the second respondent in respect of the property in Plot No.AP-5/99, H Block, 20th Street, Anna Nagar West, Chennai - 600 040 as per the petitioner's representation dated 20.01.2014.

For petitioner : Mr.M.Thamizhavel
For R1 : Mr.P.P.Purushothaman
Government Advocate

For R2 : Mr.P.J.Rishikesh

O R D E R

The petitioner has filed the Writ Petition praying to issue a Writ of Mandamus, forbearing the first respondent from registering any document presented by the second respondent in respect of the property in Plot No.AP-5/99, H Block, 20th Street, Anna Nagar West, Chennai - 600 040, as per the petitioner's representation, dated 20.01.2014.

2.The learned counsel for the petitioner submitted that Plot No.599 in S.No.220/part measuring 880 sq. ft. at Anna Nagar,

Chennai, was allotted to him by the Tamil Nadu Housing Board in the year 1969 and he borrowed small amount from the second respondent to whom he had handed over the original allotment order and some blank papers as security for the borrowed amount, but, the second respondent, by cheating the petitioner had obtained his signatures in some blank papers and handed over the same to the Tamil Nadu Housing Board. According to him, the second respondent had changed the allotment order in her favour, by furnishing false information pertaining to the aforesaid property to the Tamil Nadu Housing Board. The petitioner had filed a Suit for Permanent Injunction in O.S.No.54 of 1989 which is pending on the file of the XI Assistant Judge, City Civil Court, Chennai against the second respondent and her husband. During the pendency of the aforesaid suit the second respondent had fraudulently obtained a Sale Deed in the year 1994 from the Tamil Nadu Housing Board without informing the petitioner and the Sale Deed had also been registered on the file of the first respondent vide in Document No.2536/1994. The second respondent is now trying either to alienate the property or to create litigation over the property which is under the physical occupation of the petitioner. Instead of filing a suit for eviction against the petitioner, by issuing a legal notice dated 04.10.2007, the second respondent is trying to create litigation over the property under the occupation of the petitioner. Since any such endeavour would lead to multiplicity of proceedings, the petitioner had made a representation to the first respondent on 20.01.2014 requesting the said Authority not to register any document presented by the second respondent. As the second respondent is persistent in her efforts to register the document, the petitioner has filed this present Writ Petition for the aforesaid prayer.

3.In the counter filed by the second respondent, it is stated that she is having a clear valid and marketable title to the property through valid documents, therefore, she is entitled to get the property registered in her favour and the exercise of the petitioner is a clear abuse of process of law and a frivolous attempt to stall the second respondent from proceeding further. For any relief or remedy, the petitioner has to approach the Civil Court and hence, this Writ petition is not maintainable at all; accordingly, the same may have to be dismissed.

4.The learned Government Advocate appearing for the first respondent, by pointing out the grievance of the petitioner that the second respondent has fabricated the documents cannot be a reason to reject registration of the documents, would submit that the only obligation in the part of the respondent is to satisfy the requirement as contemplated under the provisions of the Registration Act. At any rate, the first respondent being

the competent authority to register the documents, the prayer as sought for by the petitioner is not maintainable.

5.By considering the prayer of the petitioner and the submissions made on either side, I am of the view that disputed questions of fact cannot be gone into by this Court while examining writ jurisdiction. As rightly submits by the learned Government Advocate, the second respondent has to only satisfy the requirements as contemplated under the provisions of the Registration Act, whereupon, the Competent Authority cannot decide the allegation made in his representation. Thus, the petitioner may work out his remedy before appropriate forum.

6.In view of the above reason, this writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS-VI)

//True copy//

Sub Assistant Registrar

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To

The Sub-Registrar,
Sub-Registrar Office,
J.J.Complex,
Thirumangalam,
Chennai - 600 040.

+1cc to Mr.M.Thamizhavel, Advocate SR.No.37154

+1cc to Mr.PJ.Rishikesh, Advocate SR.No.37995

+1cc to Government Pleader SR.No.38213

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WP. No.4520 of 2014
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PMS (CO)
GMY (02/05/2019)