



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.07.2019

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) No.10856 of 2019

P.R.Subramanian

... Petitioner

-Vs-

1.The District Registrar,
Office of the District Registrar,
Karaikudi,
Sivagangai District.

2.The Joint Registrar No.II,
Office of the Joint Registrar,
Karaikudi,
Sivagangai District.

... Respondents

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the 2nd respondent to register the document in favour of the petitioner in respect of the property comprised in Old Survey No.148, situated at Chekkalai Road, Ward No.3, Block No.25, Town Survey No.373-1A, Karaikudi.

For Petitioner : Mr.A.R.Kannappan

For Respondents : Mr.M.Murugan, Govt. Advocate

ORDER

The prayer in this writ petition is for a Writ of Mandamus, directing the 2nd respondent to register the document in favour of the petitioner in respect of the property comprised in Old Survey No.148, situated at Chekkalai Road, Ward No.3, Block No.25, Town Survey No.373-1A, Karaikudi.

2.Heard Mr.A.R.Kannappan, learned counsel appearing for the petitioner and Mr.M.Murugan, learned Government Advocate appearing for the respondents.

3.The petitioner seems to have submitted a document for registration of an immovable property in Old Survey No.148, situated



at Chekkalai Road, Ward No.3, Block No.25, Town Survey No.373-1A, Karaikudi and the same since have not been registered or refused to register, the petitioner is before this Court.

4.I have heard the learned Government Advocate appearing for the respondents, who, on instructions, would submit that, the property in question, which is sought to be registered by the petitioner stands in the name of Karaikudi Municipality. Therefore, under Section 22 A of the Registration Act, 1908, the registering authority can refuse to register the documents, provided, if the immovable property belongs to State Government or Local Authorities or Chennai Municipal Development Authority. By relying upon Section 22 A of the Registration Act, the learned Government Advocate would submit that, if at all, the petitioner has got any grievance over the wrong entry in the concerned revenue records, which shows, the property in question, stands in the name of Local authority i.e., Karaikudi Municipality, the petitioner has to approach the revenue authorities to change the name in revenue records and thereafter, can apply to the registration authority for registering the document. When the same has not been made, the registering authority cannot entertain the document submitted by the petitioner in view of the aforesaid reason.

5.I find force in the said submissions made by the learned Government Advocate appearing for the respondents. In that view of the matter, this Court is inclined to pass the following order:

"The prayer sought for in this writ petition cannot be granted. But, at the same time, it is open to the petitioner to approach the concerned revenue authorities for remedial action and once, the revenue authorities acceded to the plea of the petitioner that the land in question has been wrongly mentioned in the name of Municipality, the revenue authorities can rectify the same, of course, after hearing both the parties concerned, including the Karaikudi Municipality and once, if it is rectified, based on which, it is open to the petitioner to present the document once again to the registering authority for registration."

6.With this observation, this writ petition is dismissed. No costs.

Sd/-

Assistant Registrar(AE)

/TRUE COPY/

Sub Assistant Registrar

To

1.The District Registrar,
Office of the District Registrar,
<https://hcservices.ecourts.gov.in/hcservices/>
Karaikudi,
Sivagangai District.



2.The Joint Registrar No.II,
Office of the Joint Registrar,
Karaikudi,
Sivagangai District.

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+1 CC to M/s.SPL GP (SR-75011[F] dated 12/07/2019)

+1 CC to M/s.A.R.KANNAPPAN, Advocate (SR-75185[F] dated
15/07/2019)

Order made in
W.P. (MD) No.10856 of 2019
Dated:
11.07.2019

ARUL
JM/29.07.2019/3P-5C