

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 29.07.2020
CORAM
THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.9849 of 2020
and
W.M.P.No.11970 of 2020

R.Anandan @ Rajagopal

...Petitioner

Vs

- 1.The District Registrar,
Registration Department,
Kamarajar Salai,
Sakthi Nagar, Saram,
Pondicherry.
- 2.The Sub Registrar,
Registration Department,
Kamarajar Salai,
Sakthi Nagar, Saram, Pondicherry.
- 3.Devaki
- 4.Sumathi
- 5.Suguna @ Rajeswari
- 6.Sulochana

...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a writ of mandamus, forbearing the respondents 1 and 2 herein from registering of any kind of documents, relating to the properties situate in T.S.Nos.4 - Sub No.29/4A, T.S.No.10/5, T.S.No.7/A - Sub No.7/A, T.S.No.20/5 - Sub No.20/5, T.S.No.20/5 Sub No.20/5B, T.S.No.20/5 - Sub No.20/5D, in Block No.2 vacant land and house situate in Sub No.20A in Block No.6, T.S.No.29/A in Block No.7, T.S.No.29/B in Block No.7, T.S.No.102L/8/102/A in Block No.8, T.S.No.102L/8/102/A1 in Block No.8, in Ward L, Komapakkam Village, Mudaliarpur Commune, Pondicherry, which is to be presented either by the respondents 3 to 6 herein, their agents, assigns or any other persons claiming under them, without exercising obligation envisaged under Rule 54 of the Pondicherry Registration Rules, 1969.

For petitioner : Mr.P.Dineshkumar
For respondents : Mr.A.V.Ramalingam

Additional Government Pleader
(Pondicherry)
for R1 & R2

ORDER

The writ petition has been filed for the issue of writ of mandamus forbearing respondents 1 and 2 from registering any document submitted by respondents 3 to 6.

2. The case of the petitioner is that the petitioner has a share in the property and the same is evident from the judgment passed by this Court in S.A.No.430 of 2010, dated 28.04.2018. It is the further case of the petitioner that respondents 3 to 6 are taking hasty steps to sell the entire property including the share of the petitioner. The petitioner therefore, made a representation to respondents expressing his objections for the registration of the document.

3. According to the petitioner, Rule 54 of the Pondicherry Registration Rules, 1959 mandate the second respondent to consider the objection whenever, the same is made by the co-owner of the property, before registering any document. According to the petitioner, the first and second respondents are not following the procedure under Rule 54 and the objection given by the petitioner is not been considered and hasty steps have been taken by the respondents 3 to 6 to submit the document for registration.

4. Heard Mr.P.Dinesh Kumar, learned counsel for the petitioner and Mr.A.V.Ramalingam, learned Additional Government Pleader (Pondicherry) for R1 & R2.

5. Taking into consideration, the facts and circumstances of the case and the limited relief that has been sought in the writ petition, there shall be a direction to the second respondent to consider the objections made by the petitioner on 18.03.2020 after issuing notice to respondents 3 to 6 and act in accordance with Rule 54 of the Pondicherry Registration Rules, 1969. A decision shall be taken before entertaining any document for registration presented by respondents 3 to 6.

6. This writ petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Pns

To

1. The District Registrar,
Registration Department,
Kamarajar Salai,
Sakthi Nagar, Saram,
Pondicherry.
2. The Sub Registrar,
Registration Department,
Kamarajar Salai,
Sakthi Nagar, Saram, Pondicherry.

+1cc to M/s.P.DineshKumar, Advocate, S.R.No.25535

W.P.No.9849 of 2020

VS (CO)
KKV/24/08/2020

सत्यमेव जयते

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