

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :13.08.2020

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.10441 of 2020
and WMP.No.12697 of 2020

T.Murugesan

..Petitioner

vs

1.The Sub-Registrar,
Kaveripattinam Sub-Registrar's Office,
Kaveripattinam,
Krishnagiri District.

2.S.Murugan

..Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the 1st respondent from registering any document relating to the property having a total extent of acres 4.37 cents comprised in Re-survey No.196/2C, 197/2, 204/1, 205A/2 in Sandhapuram Panchayat, within the sub-Registration District of Kaveripattinam in Krishnagiri Taluk and District.

For Petitioner :Mr.R.Neelakandan

For Respondents:Mr.T.M.Pappiah
Special Government Pleader

O R D E R

This Writ Petition has been filed for issuance of Writ of Mandamus forbearing the 1st respondent from registering any document relating to the subject property, without considering the objection submitted by the petitioner.

2. The case of the petitioner is that the 2nd respondent has entered into an Agreement for Sale with the petitioner and as part performance of the contract, the possession of the property was handed over to the petitioner. The further case of the petitioner is that the 2nd respondent went back on his promise and therefore, the petitioner has filed a Suit in O.S.NO.32 of 2009 before the Principal District Court, Krishnagiri, praying for the relief of specific performance and other consequential relief.

3. The grievance of the petitioner is that the 2nd respondent is trying to create encumbrance over the property and therefore, the petitioner had submitted a Protest Petition on 14.07.2020 before the 1st respondent and the same was not considered and therefore, the present Writ Petition has been filed before this Court seeking for appropriate directions.

4. Mr.T.M.Pappiah, learned Special Government Pleader appearing for the 1st respondent would submit that the petitioner cannot merely submit a Protest Petition and he has to necessarily submit all the documents in support of the Protest Petition and thereafter, the 1st respondent can consider the objection made by the petitioner.

5. In reply to the said submission, the learned counsel appearing for the petitioner stated that the petitioner will submit all the relevant documents before the 1st respondent, in order to support the Protest Petition given by the petitioner on 14.07.2020.

6. Taking into consideration the facts and circumstances of the case and without going into the merits of the case, there shall be a direction to the 1st respondent to consider the Protest Petition given by the petitioner on 14.07.2020, subject to the condition that the petitioner submits all the documents to substantiate his objection for registration and the 1st respondent shall thereafter consider the same strictly in accordance with law. The 1st respondent shall also put the 2nd respondent on notice, as and when any document is presented for registration.

7. The Writ Petition is disposed of with the above

directions. No costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

sk

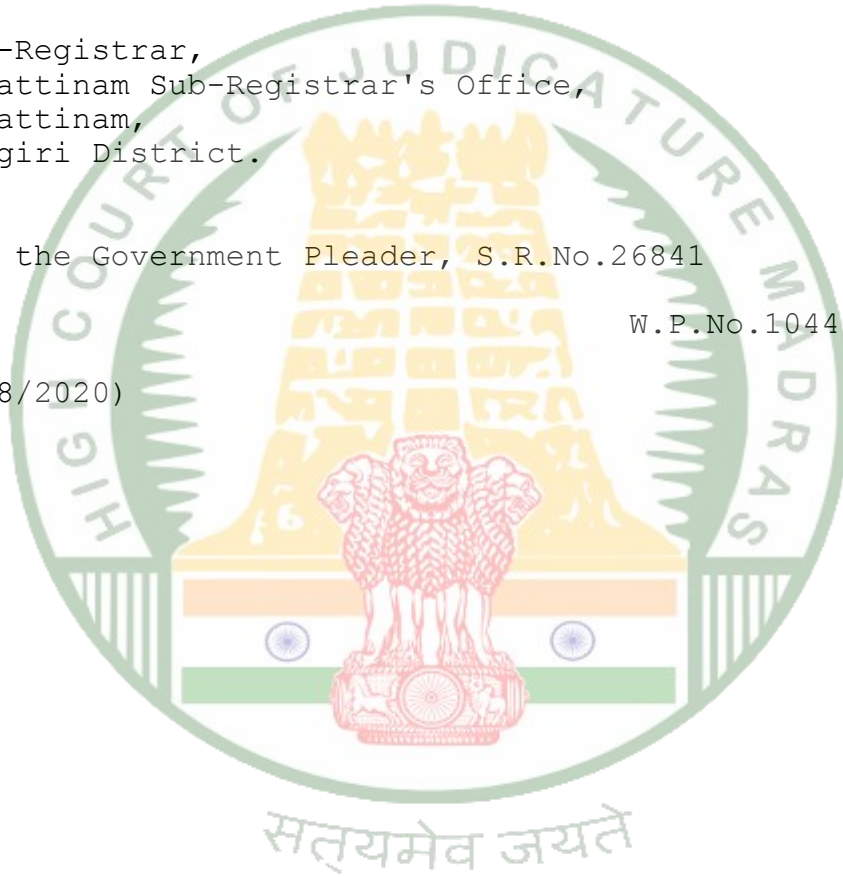
To

The Sub-Registrar,
Kaveripattinam Sub-Registrar's Office,
Kaveripattinam,
Krishnagiri District.

+1cc to the Government Pleader, S.R.No.26841

W.P.No.10441 of 2020

SKS (CO)
CB (26/08/2020)



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