

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.11181 of 2020

R.Kamalakannan

... Petitioner

-Vs-

1.The Sub Registrar,
Kodambakkam Sub Registration Office
Kodambakkam, Chennai 600 024.

2.Kanniyappan

...Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 1st respondent to consider the protest petition submitted by the petitioner dated 10.08.2019 and as a consequential relief by way of direction directing the 1st respondent not to entertain any kind of application from the 2nd respondent such as Sale Deed General power of Attorney or any other form of conveyance in favour of third parties pertaining land and building situated at Central Chennai Registration District Kodambakkam Sub-Registration Office Egmore - Nungambakkam Taluk Puliyur Village Pimash Nos.789 794 806 and 807 T.S.No.43 Block No.19 Chennai Corporation Limit Chennai - 94 Choolaimedu Zakiriya Colony 4th Street Plot No.I-9 Old Door No.13 New Door No.20 'Palani Apartments', Ground Floor, Flat No.C, measuring an extent of 640 sq.ft Plinth Area and undivided share land of 373.14 sq.ft (1/14th share) out of 2 ground and 424 sq.ft as per patta and including basic connection facilities and common passage morefully described in the petition.

For Petitioner : Mr.T.Ramachandran
For Respondents : Mr.T.M.Pappiah,
Spl.Govt.Pleader
- For R1

O R D E R

This Writ Petition has been filed for the issue of a Writ of Mandamus directing the first respondent to consider the protest petition submitted by the petitioner on 10.08.2019 before entertaining any document submitted by the second respondent for registration.

2. The case of the petitioner is that he had purchased the property from one Neelavathy Ammal and five others and a Power of Attorney was also executed in his favour. The property was developed and flats were also constructed and certain flats were allotted in favour of the said Neelavathy Ammal and others. The further case of the petitioner is that an attempt was made by the second respondent and his family members to encroach upon the property and therefore a suit was filed before the City Civil Court and the same is pending in O.S.No.2656 of 2014. In the said suit, the petitioner has sought for the relief of permanent injunction. The petitioner has submitted a protest petition before the first respondent and requested the first respondent not to register any document submitted by the second respondent, since according to the petitioner the second respondent is attempting to encumber the property to the third party. The protest petition was submitted on 10.08.2019. Since the said protest petition was not considered, the petitioner has filed the present writ petition before this Court seeking appropriate relief.

3. Heard Mr.Ramachandran, learned counsel for the petitioner and Mr.T.M.Pappiah, learned Special Government Pleader appearing on behalf of the first respondent.

4. Taking into consideration of the facts and circumstances of the case and the other materials placed before this Court, there shall be a direction to the first respondent to deal with the protest petition filed by the petitioner strictly in accordance with law and put on notice the second respondent as and when any documents are attempted to be presented for registration by the second respondent.

5. With the above direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

To

The Sub Registrar, Kodambakkam Sub-Registration Office
Kodambakkam Chennai - 600 024.

+1cc to Government Pleader SR.27767

W.P.No.11181 of 2020

LN (CO)

RV (07/09/2020)