

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.10.2020

CORAM:

THE HON'BLE Mr. JUSTICE N.ANAND VENKATESH

Writ Petition No.13749 of 2020

& WMP No.17087 of 2020

Sivachalam @ S.K.S.Sivakumar

... Petitioner

Vs

- 1 The Inspector General of Registration,
Santhome High Road Chennai
 - 2 The District Registrar, Tiruppur, Tiruppur District
 - 3 The Joint Sub Registrar No.1, Tiruppur, Tiruppur District
 - 4 K.P.Senthil Kumaran
 - 5 S.Dharani Prabu
 - 6 Usha Rajagopal
 - 7 S.Laitha
 - 8 D.Hanwanth Singh
 - 9 Bhagawati Devi
 - 10 R.Nandagopal
 - 11 N.Shanthi
- ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of mandamus forbearing the respondent No.2 and 3 from registering any kind of instruments presented by the respondent No.4 to 11 with regard to petitioner's property comprised in Town Survey Numbers 147 and 148 (Old Survey Number. 676 677 B 678 B) situated at Door No.109 Ward J Block No.1 Thottipalayam Village, Indra Bhavan, P.N.Road, Tiruppur Town and Taluk, Tiruppur District.

For Petitioner : Mr. K.Myilsamy

For Respondents 1 to 3 : Mr. T.M.Pappiah, Spl.G.P.

O R D E R

This writ petition has been filed by the petitioner seeking for issuance of a writ of mandamus forbearing the second and third respondents from registering any documents presented by respondents 4 to 11 for registration, without considering the objections made by the petitioner.

2. The case of the petitioner is that he is the absolute owner of the subject property. According to the petitioner, the subject property was made a subject matter of challenge in a suit in O.S.No.74 of 1984 before the Civil Court and the same was decreed in his favour, by judgment and decree dated

09.12.1985. The further case of the petitioner is that the appeal filed against the said judgment and decree in A.S.No.939 of 1988 was also dismissed by this Court, by judgment and decree dated 24.09.1999. The further case of the petitioner is that the Execution Petition has already been filed and the same is pending in E.P.No.70 of 1989 and it is at the final stage wherein the obstruction petition has already been dismissed. The petitioner apprehends that respondents 4 to 11 are taking hasty steps to present documents before the second and third respondents and create third party rights. The petitioner has given objections to the second and third respondents in this regard. Since there was no response from second and third respondents, the present writ petition has been filed before this Court seeking appropriate orders.

3. Heard the learned counsel for the petitioner and learned Special Government Pleader for respondents 1 to 3.

4. Taking into consideration the facts and circumstances of the case and the limited relief sought for in this writ petition, there shall be a direction to the second and third respondents to consider the objections given by the petitioner on 23.07.2020 and put the petitioner on notice as and when any documents are presented by respondents 4 to 11 for registration. The objections of the petitioner shall be considered strictly in accordance with law and the second and third respondents shall take a decision with regard to the registration of the documents, if any presented. The petitioner shall make a fresh representation to the second and third respondents along with a copy of the representation dated 23.07.2020 and a copy of this order.

5. This writ petition is disposed of with the abovesaid directions. No costs. Consequently the connected WMP is closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

To

- 1 The Inspector General of Registration,
Santhome High Road Chennai
- 2 The District Registrar, Tiruppur, Tiruppur District
- 3 The Joint Sub Registrar No.1, Tiruppur, Tiruppur District

+1 cc to Mr.K.Myilsamy,advocate,sr.32990

+1 cc to Government Pleader,sr.33068.

Ss(co)

krd 2/11

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