

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 03.01.2020
CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No. 10116 of 2017

P. Natarajan

...Petitioner

-vs-

1. The District Registrar,
Puducherry.

2. The Sub-Registrar,
Villianur, Puducherry State.

3. The District Registrar,
Mayiladuthurai,
Mayiladuthurai Taluk,
Nagapattinam District.

4. The Sub-Registrar,
Sirkazhi,
Sirkazhi Taluk,
Nagapattinam District.

5. The District Registrar,
Villupuram,
Villupuram District.

6. The Sub-Registrar,
Vanur, Vanur Taluk,
Villupuram District.

... Respondents

Petition under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, to direct the respondent to register the certified copy of plaint in O.S.No.30 of 2016 on file of the Principal District Court, Cuddalore.

For Petitioner : Mr. D.Baskar

For Respondents : Ms.Mala

Additional Govt. Pleader [R1 & R2]

Mr.P.P.Purushothaman

Government Advocate [R3 to R6]

ORDER

Heard Mr.D.Baskar, learned counsel for petitioner, Ms.Mala, learned Additional Government Pleader for respondents 1 & 2 and Mr.P.P.Purushothaman, learned Government Advocate for respondents 3 to 6.

2. With consent of learned counsel on either side, the writ petition itself is taken up for final disposal.

3. The petitioners seek for a writ of mandamus to direct the respondent to register the certified copy of the plaint in O.S.No. 30 of 2016 on the file of the Principal District Court, Cuddalore. The suit pertains to 406 items of property, of which, 394 items are immovable properties. The petitioner is the plaintiff in the suit and there are 46 defendants. The petitioner seeks for registration of the plaint by the respondents 2, 4 and 6, since the property are situated within the jurisdiction of the aforementioned respondents. According to the petitioner, if the plaint is registered it will prevent multiplicity of proceedings, as any person, who wants to deal with the property, on examining the encumbrance certificate, will know about the civil proceedings, which is pending before the Civil Court. Representations have been submitted to the respondents, which has not been considered and no orders have been passed.

4. The learned counsel for the petitioner would submit that in terms of Section 18 of the Registration Act (hereinafter referred to as 'the Act') the petitioner is entitled to get the plaint registered because the plaint is not compulsory registrable in terms of Section 17 of the Act and there is no bar under the statute for the concerned Sub-Registrar to register the plaint and reflect the same in the encumbrance registered. Since the representation is pending before the authorities, it will be premature at this stage to issue positive direction because the Sub-Registrar is empowered to either accept to register a document or refuse to register a document. In the case of refusal to register, the concerned Sub-Registrar has to assign reasons as to why the documents cannot be registered. In the event of reasons assigned, then the petitioner would be entitled to work out his remedies available under the provisions of the Registration Act.

5. In the light of the above, there will be a direction to the petitioner to submit a fresh representation to the respondents 2, 4 and 6 enclosing a copy of this order and the copy of the earlier representation and the copy of the plaint and appear in person before the respondents 2, 4 and 6 and request the plaint to be registered. On receipt of the said request, the respondents 2, 4 and 6 shall pass appropriate orders on the request made by the petitioner and such order shall be passed in accordance with law, taking into consideration the provisions of the Registration Act and the order be communicated to the petitioner within a period of four(4) weeks from the date on which, the petitioner appeared in person and presented the plaint for registration.

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

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

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To

1. The District Registrar,
Puducherry.
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Sirkazhi Taluk,
Nagapattinam District.
5. The District Registrar,
Villupuram,
Villupuram District.
6. The Sub-Registrar,
Vanur, Vanur Taluk,
Villupuram District.

+1 cc to Government Pleader Sr.No1300.

+1cc to Mr.D.Baskar , Advocate SR.No. 347

A.SK(07/02/2020)

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