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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.06.2020

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.34414 of 2018

R.Radhakrishnan

...Petitioner

.v.

- 1.The State of Tamil Nadu,  
Rep.by the Inspector General of Registration,  
Santhome,  
Chennai 600 004.
- 2.The District Registrar,  
Salem,  
Salem District.
- 3.The Sub Registrar,  
Omalur,  
Salem District.
- 4.The District Collector,  
Salem,  
Salem District.
- 5.The Tahsildar,  
Omalur,  
Salem District.
- 6.Nalli Ennan
- 7.Elumalai @ Venkatachalam

... Respondents

Prayer:- Writ petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the 3rd respondent herein from entertaining any document from the 6th respondent in connection with either sale or pledge or settlement or whatsoever relating to his above mentioned landed house property having a total measurement of 2651 sq.ft., being plot no 6 and 7 comprised in survey no.9/1F, new survey no.9/1F1, situate in Karuppanampatti Village, Omalur Taluk, Salem District, more full described in the 6th respondent's registered document no.9183/2011 duly registered in the office of the Sub Registrar, Omalur, Salem District.



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For Petitioner : Mr.S.Arunkumar

For R 1 to R 3 : Mr.M.Tamizharasan  
Additional Government Pleader

For R 4 & R 5 : Mr.E.Balamurugan  
Special Government Pleader

### O R D E R

This writ petition has been filed for the issue of writ of mandamus forbearing the 3<sup>rd</sup> respondent from entertaining any document from the 6<sup>th</sup> respondent and not to register any documents pertaining to the subject property.

2.It is seen from records that there is a civil dispute between the petitioner and respondents 6 & 7 and the petitioner claims that the 6<sup>th</sup> respondent had borrowed some amounts and the same was not repaid. The further case of the petitioner is that the 6<sup>th</sup> respondent had promised to execute a Sale Deed if he fails to repay back the amount. It is alleged that the 6<sup>th</sup> respondent went against his promise and is taking steps to sell the property. Therefore, the petitioner has approached this Court to prevent the 3<sup>rd</sup> respondent from accepting or registering any documents.

3.Heard Mr.S.Arunkumar, learned counsel appearing for the petitioner and Mr.M.Tamizharasan, learned Additional Government Pleader appearing for respondents 1 to 3 and Mr.E.Balamurugan, learned Special Government Pleader appearing on behalf of the respondents 4 & 5.

4.The petitioner instead of approaching a Civil Court to recover the amount from the 6<sup>th</sup> respondent, has directly approached this court to prevent the 3<sup>rd</sup> respondent from registering any documents. Such a prayer is not maintainable and a statutory authority cannot be prevented from performing his duty by issuing a mandamus against him. The petitioner has to necessarily workout his remedy only before the competent civil court.



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In the result, this writ petition is dismissed. No costs.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.The Inspector General of Registration,  
State of Tamil Nadu,  
Santhome,  
Chennai 600 004.
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- 5.The Tahsildar,  
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srg 14/07/2020