

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.02.2021

CORAM: JUSTICE N.SESHASAYEE

WP.No.1007 of 2021
&WMP.Nos.1106 & 1107 of 2021

K.Selvaraj

...Petitioner

-Vs-

1.The District Registrar,
Office of the Registration Department,
Saram, Puducherry.

2.The Sub-Registrar,
Villianur, Puducherry.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the District Registrar, Registration Department, Government of Puducherry culminating in F.No.50/2098/RD/A4LGP/2019/1036 dated 12.07.2019 quash the same and further direction to the District Registrar, Registration Department, Government of Puducherry, the Sub Registrar, Villianur, Puducherry the 1st and 2nd respondents herein to annul the documents No.6349/2008, 548/2011 illegally registered and pending on the file of the 2nd respondent.

For Petitioner : Mr.K.Balakrishnan

For Respondents : Mr.D.Ravichander

Additional Government Pleader(P)

ORDER

The petitioner claims title to a block of land comprised in resurvey no.94/5(co-related to cadasder Nos.361/1, 361/2 and 361/2/2) and resurvey no.95/3(co-related to cadasder Nos. 364/1 & 364/2) of Ariyur Village, Villianur Union, Puducherry. He claims that the title has devolved on him based on the Settlement Deed dated 27.03.1943 executed by his paternal grandmother Ammakannu Ammal.

2.While so, there was a civil suit in O.S.No.558 of 1979, in which this property was involved. Based on the decree passed therein, delivery was taken by the petitioner's mother Alamelu ammal in E.P.No.395 of 1981. There was a further appeal against

this order passed in the execution application in A.S.No.123 of 1985, wherein also a decree was granted in favour of Alamelu ammal.

3.While so, certain Manjini Mudaliar, Murugesan Mudaliar, Dhandapani Mudaliar and Velayudham Manikandamurthy, who are stated to be the successors in title of the defendants in O.S.No.558 of 1979 are attempting to deal with the property. It is in these circumstances, the petitioner has issued a legal notice dated 20.11.2020 to the second respondent/ Sub Registrar, Villianur, Puducherry not to register any such sale deeds or other deeds of conveyance that may affect the title of the petitioner, which is accrued to his predecessor in title Vide decree passed in O.S.No.558 of 1979. It is for the same purpose, he has laid the present Writ Petition for a direction to that effect.

4.Mr.D.Ravichander, learned Additional Government Pleader (P) takes notice for the respondents.

5.It appears some caveat petitions are also filed by the petitioner before the appropriate civil Court anticipating some litigation. This Court cannot anticipate that some third parties are intending to deal with the property and give a direction to the Statutory Authority not to perform his statutory function. It will be dangerous for this court to pass an order in anticipation of something that might happen, as that could be a speculative course in justice dispensation.

6.Mr.D.Ravichander, the learned Additional Government Pleader(P) submitted that in terms of Section 34 of the Registration Act r/w Rule 54 of the Puducherry Registration Rules, the Sub Registrar shall not only hold a pre-registration enquiry but, also is required to ascertain the title of the parties who are attempting to deal with the property. He also indicated that if the petitioner is so apprehensive that his property might be dealt with by strangers, it is open to the petitioner to register the decree under Section 17(2) of the Registration Act. He also relied on the Judgment passed by this Court in S.Sarvothaman v. The Sub Registrar at Oulgaret, Puducherry [2019(3)MLJ 517 = AIR 2019 Mad 125]

7.This Court finds lot of merit in the submissions of the learned Additional Government Pleader(P) and also the suggestion that he has offered to the petitioner through the medium of this Court. It is now for the petitioner to act or react.

8.In these circumstances, this Court finds that inasmuch as the relief sought by the petitioner cannot be granted, the Writ Petition necessarily may have to be dismissed and he is at liberty to rework his strategies to draw the attention of the concerned Sub Registrar to achieve the purpose within the framework of law.

9.In the result, the Writ Petition is dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

-s/d-
Assistant Registrar

True Copy
Sub-Assistant Registrar

Tsg

To

- 1.The District Registrar,
Office of the Registration Department,
Saram, Puducherry.
- 2.The Sub-Registrar,
Villianur, Puducherry.

+1 cc to the government pleader sr4026

Order made in
W.P.No.1007 of 2021

ajs (co)
aa02/03/2021

WEB COPY