

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2021

CORAM: JUSTICE N.SESHASAYEE

WP.No.1956 of 2021
& WMP No.2314 of 2021

M/s.VGP Housing Private Limited,
rep. by its Director,
Mr.VGP Babudoss,
No.6, Dharmaraja Koil Street,
Saidapet, Chennai-600 015. ...Petitioner

-Vs-

1.The District Collector,
Collectorate,
No.62,Rajaji Salai,
4th Floor, Chennai-600 001.

2.The Tahsildar,
Shozhinganallur Taluk,
Shozhinganallur,
Chennai

3.The Sub Registrar,
Neelangarai,
Chennai.

4.The Deputy Commissioner of Police,
Office of Deputy Commissioner of Police,
Dr.Muthulakshmi Road,
Adyar, Chennai-600 041

5.The Assistant Commissioner of Police,
Office of Assistant Commissioner of Police,
Singaravelan Street,
2nd Street, Neelankarai,
Chennai-600 115.

6.The Inspector of Police,
J-12, Kannathur Police Station,
East Coast Road,
Kannathur,
Chennai-603 112.

7.M.Masthan Sahib
8.Mr.Kannan

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the third respondent from registering and releasing Agreement for Sale executed by the 7th respondent, taken on file as pending Document no.219 of 2020 on the file of the third respondent, until the completion of the investigation by the respondent nos.5 & 6 in C.S.R.No.142 of 2020.

For Petitioner : Mr.M.Raja

For Respondents : Mr.E.Balamurugan, Spl.G.P for R1 & 2
Mr.K.Gowthaman, for RR7
Mr.T.M.Pappiah, Spl.G.P for R3

ORDER

This Writ Petition is filed for issuance of a Mandamus, to forbear the third respondent from registering and releasing Agreement for Sale executed by the 7th respondent, taken on file as pending Document no.219 of 2020 on the file of the third respondent, until the completion of the investigation by the respondent nos.5 & 6 in C.S.R.No.142 of 2020.

2. The petitioner seeks a direction to the Sub-Registrar, the third respondent herein to forbear him from registering any Sale Agreement.

3.Mr.T.M.Pappiah, learned Special Government Pleader appearing for the third respondent made a statement that a preliminary enquiry has been conducted by the third respondent/Sub Registrar and he has *prima facie* come to the conclusion that the claim for title by the petitioner over the property in question is suspecting one.

4.The learned counsel for the petitioner submitted that he has preferred a revision to the Inspector General of Registration and the same may be directed to be considered on its merits. This does not require any direction since that is out side the scope of the present Writ Petition and this Court expects the concerned authority to discharge his responsibilities strictly in accordance with law.

5. This Court, will be hesitant to direct the statutory authority not to perform his statutory duty. Moreso, when there is a Division Bench judgment of this Court in *N.Ramayee Vs. The Sub Registrar* [(2020 (8) MLJ 305)], where the powers of the Registering Authority has been delineated and the essence of this Judgment of Division Bench only is to the effect that the Sub-Registrar, the Registering Authority cannot investigate the

title of the parties, dealing with the property. This being the law, if at all the parties have dispute over the title, they necessarily cannot avoid going to the Civil Court for establishing their title. Having regard to the same, this Court disposed of this matter, with a direction to the Sub-Registrar to discharge his responsibilities in respect of the subject matter of this Writ Petition in accordance with law laid down by the Division Bench of this Court in *N.Ramayee Vs. The Sub Registrar* [(2020 (8) MLJ 305)]. No costs. Consequently, connected WMP is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The District Collector,Collectorate,
No.62,Rajaji Salai,4th Floor, Chennai-600 001.

2.The Tahsildar,
Shozhinganallur Taluk,Shozhinganallur,Chennai

3.The Sub Registrar,Neelangarai,Chennai.

4.The Deputy Commissioner of Police,
Office of Deputy Commissioner of Police,
Dr.Muthulakshmi Road,Adyar, Chennai-600 041

5.The Assistant Commissioner of Police,
Office of Assistant Commissioner of Police,
Singaravelan Street,2nd Street, Neelankarai,Chennai-600 115.

6.The Inspector of Police,
J-12, Kannathur Police Station,East Coast Road,
Kannathur,Chennai-603 112.

+1cc to Mr.M.Raja, Advocate SR.NO..14509

+1cc to Mr.D.Muthuselvam, Advocate SR.NO..13555

+1cc to The Government Pleader SR.NO..14570 and 14225

AKM/09.04.21/3P-10C/

Order made in
W.P.No.1956 of 2021
04.03.2021