

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.No.8830 of 2021

and W.M.P.Nos.9362 & 9364 of 2021

S.Kumarasamy

.. Petitioner

Vs.

1. The District Registrar,
Registration Department,
Tirupur District, Tirupur.

2. The Sub Registrar,
Joint 2 Registration Office,
Tirupur District, Tirupur.

3. N.Sivakumar

4. K.Sellakumar

5. Santha Moorthy

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorari calling for the records of the second respondent pertaining to his proceedings Objection Petition No.29/2020, dated 17.12.2020, and quash the same.

For Petitioner : Mr.R.Venkatraman

For Respondents 1 & 2 : Mr.T.M.Pappiah,
Special Government Pleader

ORDER

(The case has been heard through video conference)

This writ petition has been filed challenging the order passed by the second respondent rejecting the petitioner's request to stop registering the sale deed executed by the fourth respondent in favour of the fifth respondent.

2. The grievance of the petitioner is that, he was the owner of the property in S.F.No.218 in Velampalayam Village, Tirupur district. He obtained loan from the fourth respondent and executed a mortgage deed, at that time the respondents 3 and 4 obtained signatures in a Power of Attorney deed as well as in several blank papers and using the said power of attorney, the third respondent sold away the property to the fourth respondent. Against the same, the petitioner filed a suit in

O.S.No.33 of 2016, before the learned District Munsif, Tirupur to declare the power of attorney deed executed by the petitioner in favour of the respondents 3 and 4 and the subsequent sale agreement and the sale deed dated 03.12.2010 and 10.06.2011 respectively executed by the third respondent in favour of the fourth respondent as null and void and the same is pending.

3. Thereafter, the petitioner sent a representation to the second respondent not to register the document in respect of the above said property and make any encumbrance on the property by registering the sale deed executed by the respondents 3 and 4. The said request of the petitioner was rejected by the second respondent on the ground that there is no provision in the Registration Act to stop any registration and asked the petitioner to approach the Civil Court and obtain necessary injunction orders. Now challenging the said order, the present writ petition has been filed.

4. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents 1 and 2.

5. The main grievance of the petitioner is that the respondents 3 and 4 created forged power of attorney of the petitioner and using the same, they have registered some sale deeds. Now a suit has been filed seeking to set aside the said sale deeds and the same is pending. In the meantime, the petitioner has requested the respondents 1 and 2 not to create any encumbrance on the property and that request was rejected by the second respondent and hence the present writ petition.

6. I have perused the entire records. Admittedly, a dispute pending between the parties before the Civil Court, and mere pendency of a civil dispute between the parties, cannot be a reason to withhold registration of any document. The second respondent has also rightly considered the same and rejected the request of the petitioner. I find no error in the order passed by the second respondent. There is no merit in the writ petition, and the writ petition is liable to be dismissed and accordingly dismissed. Consequently, the connected miscellaneous petitions are closed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

kk

To

1. The District Registrar,
Registration Department,
Tirupur District, Tirupur.

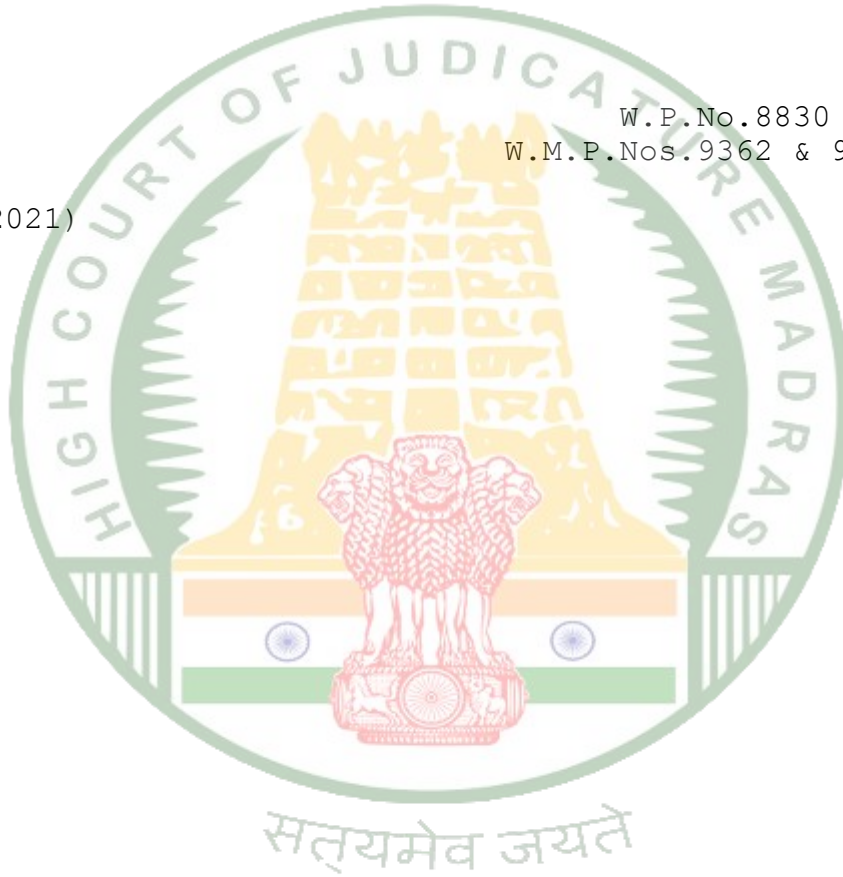
2. The Sub Registrar,
Joint 2 Registration Office,
Tirupur District, Tirupur.

+1 cc to Government Pleader, SR.NO.23677

+1 cc to Mr.K.S.Karthik Raja, Advocate, SR.NO.23542

AKII(CO)
NS(17/05/2021)

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