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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2021

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No.10375 of 2021
and
W.M.P.No.10947 of 2021

1. Shanthala,

2. R. Rajath,

3. Kanthalakshmi.

.. Petitioners

vs.

1. The Sub-Registrar,
Bargur, Bargur Taluk,
Krishnagiri District.

2. P. G. Venkatesh,

3. Padma,

4. Leela @ Lakshmi,

5. Naveenkumar,

6. Murali,

7. Sharadha.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing 1st respondent from any manner entertaining any documents pertaining to the land in Survey Nos. 152, 158, 27, 25, 26/3, 149/1, 188/1, 184, 187/1, 157/2A1, 159, 187/2, 188/3, 157/1, 157/2A2A, 157/2A2C, 26/1, 26/2, 188/2, 157/2A2B, 656/1, 656/2, 656/3, 656/4, 656/5A, 656/5B2, 656/5B1, 149/2, 149/6, 149/5, 149/4, in Palepalle Village, Bargur Taluk, Krishnagiri District contravening the order of status quo dated 14.02.2020 granted in I.A.No.12 of 2020 in F.D.P.No.18 of 2004 on the file of City Civil Court, Bangalore.



For Petitioner : Mr.N.C.Ashok Kumar
For Respondents : Mr.K.M.D.Muhilan
Government Advocate
for R1.

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O R D E R

The writ petition has been filed seeking Mandamus forbearing the first respondent from entertaining any documents relating to series of lands in Survey Nos.152, 158, 27, 25, 26/3, 149/1, 188/1, 184, 187/1, 157/2A1, 159, 187/2, 188/3, 157/1, 157/2A2A, 157/2A2C, 26/1, 26/2, 188/2, 157/2A2B, 656/1, 656/2, 656/3, 656/4, 656/5A, 656/5B2, 656/5B1, 149/2, 149/6, 149/5, 149/4 situated in Palepalle Village, Bargur Taluk, Krishnagiri District.

2.The writ petitioner is facing a lis in O.SNo.2138 of 1984, now pending on the file of the City Civil Court, Bangalore. The said suit had been filed for partition and separate possession. A preliminary decree has already been passed. An application to pass a final decree has also been filed. I.A.No.12 of 2020 had also been filed seeking to maintain status quo and restrain the defendants or any of the parties from dealing with the said properties.

3. In view of the same, in this writ petition the Sub-Registrar, Bargur, Krishnagiri District had been impleaded as the first respondent and a string of respondents have also been impleaded. Notice in this writ petition had been directed to the said parties. Notice had already been served. The names and addresses have also been printed in the cause list, but they appear to have taken a decision not to appear before the Court. The Court can only issue notice but cannot force the parties to appear.

4.Therefore, even though the nature of writ is to restrain the first respondent from receiving any documents pertaining to the above survey numbers, I am of the opinion that such a blanket order cannot be passed in the absence of the parties. It is only appropriate that the petitioner approaches the Court where the suit is pending i.e.City Civil Court, Bangalore.

5. If any document is presented with appropriate stamp duty, it is the obligatory on the Sub-Registrar to receive the said document and verify whether any protest petition is filed. If any protest petition is filed, it is for the Sub-Registrar to issue notice to all the parties who have presented the documents for registration, hear the parties and if any objection arises, to act in accordance with law under the provisions of Registration Act.



6. There cannot be a direction either directing the Sub-Registrar to grant registration or to refuse registration. It is for the Sub-Registrar to consider and issue orders suitably. Therefore, Mandamus as sought is not granted. However, a direction is issued to the Sub-Registrar to issue notice to the petitioners, who had given protest petition, hear them and verify the documents relating to the aforesaid survey numbers.

7. With the above observation, the writ petition is disposed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

The Sub-Registrar,
Bargur, Bargur Taluk,
Krishnagiri District.

+1CC to Mr.C.Jagadish, Advocate, Sr.No.39329
+1CC to Government Pleader, Sr.No.39791

W.P.No.10375 of 2021

PMK (CO)
K.RK. (03.09.2021)