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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 27.09.2021

CORAM:

THE HON'BLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.5295 of 2015
and
M.P.No.1 of 2015

Smt.Vasantha
W/o V.Ponmudi,
West Manakaadu Post,
Vadamazhai Manakaadu Post,
Vedaranyam Taluk,
Nagapattinam District.

.. Petitioner

Vs

1. The Inspector General of Registration,
No:100, Santhome High Road,
Santhome, Chennai - 600 028
2. The District Registrar,
The District Registrar Office,
Nagapattinam
3. The Sub-Registrar,
Office of the Sub Registrar,
Thagattur, Vedaranyam Taluk,
Nagapattinam District.

.. Respondents

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, calling for records of the order passed by the Sub-Registrar, Thagattur, Nagapattinam District, the 3rd respondent herein memo dated 23.01.2015 and to quash the same and directing the 3rd respondent to register the sale deed dated 23.01.2015 submitted by the petitioner within a time frame as fixed by this Hon'ble Court.



For Petitioner : M/s.S.Sathiamurthi

For Respondents : Mr.K.M.D.Muhilan
Government Advocate

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O R D E R

The order impugned dated 23.01.2015 issued by the Sub Registrar states that a civil suit in O.S.No.3/2015 was pending before the District Munsif cum Judicial Magistrate, Court, Vedaranyam. Thus, the Sub Registrar refused to register the document.

2. However, the writ petition on hand is filed for a direction to register the sale deed. When the Sub Registrar states that a civil suit is pending and adjudication is required with regard to the implication of such registration, in this regard, the petitioner has to approach the competent appellate authority under Section 72 of the Registration Act, 1908. However, the said adjudication of disputed facts cannot be done by the High Court in a writ proceedings. Thus, the writ petitioner is at liberty to approach the competent appellant authority in the manner known to law.

3. With this liberty, the writ petition stands disposed of. No Costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

rap/ars

To

1. The Inspector General of Registration,
No:100, Santhome High Road,
Santhome, Chennai - 600 028



2. The District Registrar,
The District Registrar Office,
Nagapattinam

3. The Sub-Registrar,
Office of the Sub Registrar,
Thagattur, Vedaranyam Taluk,
Nagapattinam District.

+1cc to the Government Pleader, S.R.No.50497

W.P.No.5295 of 2015 and
W.M.P.No.1 of 2015

GPL(CO)
SB(13/10/2021)