



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **02.08.2021**

CORAM:

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THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. (MD) .No.13281 of 2021

M/s.Shivanandha Fabrics,
Rep. by its Proprietor,
Shivananth,
751, Thiruvankadam Salai,
Sankarankoil,
Tenkasi District.

... Petitioner

Vs.

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

2.The District Registrar
Tenkasi District, Tenkasi.

3.The Sub-Registrar
Sankarankoil,
Tenkasi District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, to directing the respondents to register the documents pertaining to the properties in Survey Nos.251/2 Part, 252/1 Part, and 2 part in Thiruvankadam Salai, Sankarankoil, to an extent of 35,542.5 Sq. ft (81.52 cents) now the same comes under Ward B, Block 18 TS No.93/1 and 93/2 with the same extent of 35,542.5 Sq. ft. (81.52 cents) on its presentation.

For Petitioner : Mr.Ananth C.Rajesh

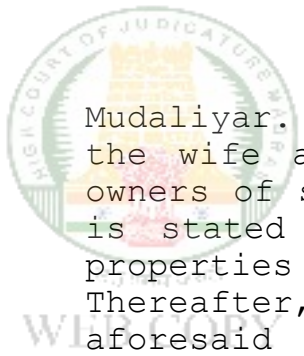
For Respondents : Mr.R.Baskaran

Standing Counsel for Government

ORDER

The petitioner seeks a mandamus to direct the respondents to register the document pertaining to the properties in Survey Nos.251/2 Part, 252/1 Part, and 2 part in Thiruvankadam Salai, Sankarankoil,

2. According to the petitioner, the aforesaid property was originally owned by his grandfather, the late Siva Sankara Narayana



Mudaliyar. It is stated that a partition deed was executed whereby the wife and children of the petitioner's grandfather became the owners of specific shares in the property. Upon such partition, it is stated that the petitioner's father became the owner of the properties described in the third schedule to the partition deed. Thereafter, it is stated that the petitioner's father settled the aforesaid property in favour of the petitioner's mother, Mrs.Avudaiyammal, and the petitioner under Document No.2603 of 2017 dated 23.11.2017. In this manner, it is stated that the petitioner became the owner of the property.

3. The petitioner alleges that the petitioner was unable to sell the property on account of objections by a third party, namely, Priya Dharshini, who has no right, title or interest in the property in question. On account of refusal of the third respondent to permit registration of the said property, the petitioner's father and the petitioner submitted multiple representations to the registration authorities but no response has been received thereto.

4. Learned counsel for the petitioner submits that unless the registration authorities agree to register the documents of conveyance in relation to the property in question, the petitioner would not be in a position to convince any buyer to purchase the property.

5. Mr.R.Baskaran, learned counsel for the State, accepts notice on behalf of all the respondents and submits that the present petition is misconceived in as much as the respondents have not refused to register any document as on date.

6. Upon perusal of the documents filed in support of the writ petition, I find that the petitioner has enclosed the Family Arrangement dated 23.11.2017 and the patta in favour of the petitioner and his mother. In addition, the representation dated 24.06.2021 and the acknowledgement card have been enclosed. Conspicuous by its absence is a copy of the draft sale deed presented for registration before the registration authorities. In response to a question in such regard, learned counsel for the petitioner states that the petitioner did not reach the stage of execution of a sale deed in favour of the prospective purchaser. In effect, the petitioner is seeking something in the nature of an advance ruling to direct the registration authorities to register sale deeds in respect of the property in question. A mandamus to such effect cannot be issued in as much as the registration authorities discharge the statutory function of examining the documents presented for registration and deciding whether to register the same after considering applicable law and relevant circulars.

7. Accordingly, W.P.(MD).No.13281 of 2021 is disposed of with the following observations. However, it is made clear that this



order shall not preclude the petitioner from presenting documents of conveyance or the like before the appropriate registration authority and to avail of all available remedies in accordance with law if such registration is refused. There will be no order as to costs.

Sd/-

Assistant Registrar (P&A)

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/ /2021

Sub Assistant Registrar(CS)

tsg

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

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

2.The District Registrar
Tenkasi District,
Tenkasi.

3.The Sub-Registrar
Sankarankoil,
Tenkasi District.

+1 CC to M/s.GP (SR-25058[F] dated 03/08/2021)

W.P. (MD) .No.13281 of 2021

Dated :

02.08.2021

RK (11.08.2021) 3P 5C