



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.08.2021

CORAM

THE HONOURABLE MR. JUSTICE SETHILKUMAR RAMAMOORTHY

W.P. (MD) .No.13320 of 2021

G.Chelladurai

... Petitioner

Vs

1.The Sub Registrar,
Melapalayam Sub Registrar Office,
Melapalayam,
Tirunelveli City.

2.Sorimuthu

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the first respondent from registering any deed relating to the petitioner's property by way of obstruction petition for the land in S.No.164/2 admeasuring 1 Acre 09 Cents now Ward AR Block 3 T.S.No.32 situated at Melapalayam Village, Palayamkottai Taluk, Tirunelveli District based on the petitioner's representation dated 05.06.2020.

For Petitioner : Mr.T.Selvan
For Respondents : Mr.R.Baskaran
Counsel for State for R1

ORDER

The petitioner seeks to prevent the registration of any deeds of conveyance in respect of the property in Survey No.164/2, Ward AR Block, 3 T.S.No.32, Melapalayam Village, palayamkottai Taluk, Tirunelveli District.

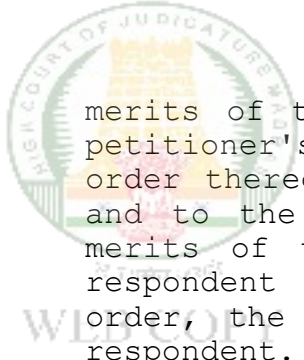
2. The petitioner asserts that the land bearing the aforesaid survey number belongs to his ancestors, and that they were in enjoyment and possession thereof. The petitioner claims that he inherited the said property after the death of his father. It is alleged that the second respondent is attempting to alienate or encumber the said property by relying upon irrelevant title deeds.

3. In such circumstances, the petitioner states that an obstruction petition was filed before the first respondent, but that no action has been taken thereon.

4. Mr.R.Baskaran, learned counsel for the State, accepts notice on behalf of the first respondent and states that the petitioner's representation would be considered and disposed of in accordance with the Registration Act 1908 and Rules framed thereunder.

5. The remit of a registration authority is specified in the Registration Act and Rules framed thereunder. The grounds on which registration of documents may be refused are also specified.

6. Subject to the above observations and without going into the



merits of the matter, the first respondent is directed to consider the petitioner's obstruction petition dated 05.06.2020 and pass a reasoned order thereon after providing a reasonable opportunity to the petitioner and to the second respondent herein. On account of the fact that the merits of the matter have not been dealt with and because the first respondent is directed to hear the second respondent before passing an order, the writ petition is disposed of without notice to the private respondent. The first respondent shall pass the reasoned order within a period of eight weeks from the date of receipt of a copy of this order.

7. W.P.(MD).No.13320 of 2021 is disposed of on these terms, without any order as to costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

1.The Sub Registrar,
Melapalayam Sub Registrar Office,
Melapalayam,
Tirunelveli City.

+1CC to Special Government Pleader (SR25175)

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