



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.09.2021

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD).No.17420 of 2021

C.Subramanian

... Petitioner

Vs.

1.The District Registrar (Admin),
Karaikudi Town,
Sivagangai District.

2.The Sub Registrar,
Ponnamaravathi,
Pudhukottai District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second respondent to furnish the guide line value and relevant particulars to the petitioner and to register the documents to be presented by the petitioner for registration on the basis of the circular dated 09.07.2021 issued by the Inspector General (Registration) on petitioner's representation dated 30.08.2021.

For Petitioner	: Mr.Babu Rajendran
For Respondents	: Mr.P.Subbaraj
	Counsel for State

ORDER

The petitioner seeks a direction to the second respondent to provide the guide line value and relevant particulars, and register the documents presented by the petitioner for registration.

2.The petitioner claims title to properties under multiple survey numbers of a total extent of 4 acres and 37 cents at Sathanur Village, Ponnamaravathi Taluk, Pudukkottai District. In view of the fact that the petitioner's father executed a settlement deed in favour of one Thavamani on 05.10.1982 and the said Thavamani, in turn, executed a sale deed in favour of one Annadurai on 27.10.1999, the petitioner filed a suit for partition in O.S.No.221 of 2010 against his sisters and the above mentioned transferees before the District Munsif Cum Judicial Munsif, Thirumayam. According to the petitioner, the findings in such suit are in his favour but the suit was dismissed for alleged non-joinder of necessary parties. An appeal was filed against the judgment and decree in the suit. The appellate court concluded that the dismissal of the suit for non-joinder was incorrect. However, the first appellate court also dismissed the suit on the basis that some of the properties included in the schedule to the suit were not exclusive properties of the petitioner's father, Chinnaiah Velalar.



The relevant decrees are said to be registered before the Sub Registrar, Ponnamaravathi.

3.In these circumstances, the petitioner approached the second respondent to register a sale deed in respect of the petitioner's share in the properties referred to above. Upon submission of such document, the petitioner states that the second respondent called upon the petitioner to cancel the earlier documents in relation to the relevant property. The present writ petition is filed in the said facts and circumstances.

4.The petitioner brings to the notice of the Court that a communication dated 17.09.2021 was received by the petitioner after the writ petition was filed. By such communication, the petitioner was informed that any document submitted for registration by the petitioner would be considered and disposed of in accordance with law.

5.Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of both the respondents.

6.Registration authorities do not have the power to cancel a registered document as on date. Nonetheless, if a document is received for registration, registration authorities are required to either carry out such registration or indicate cogent reasons for refusing to register the relevant document. In effect, one of the two options indicated above should be exercised and failure to respond is not a legitimate option.

7.The petitioner's prayer to register documents, which may be presented by the petitioner cannot be granted. A statutory authority cannot be directed to register documents that may be presented in future. However, if the petitioner submits a document for registration, as indicated above, the registration authorities should either register the document or indicate reasons for refusal to do so. With the above observations but without entering any findings on the merits of the matter, W.P.(MD).No.17420 of 2021 is disposed of by directing the second respondent to consider and dispose of any application for registration of a document from the petitioner by taking into account the observations set out above. However, there shall be no order as to costs.

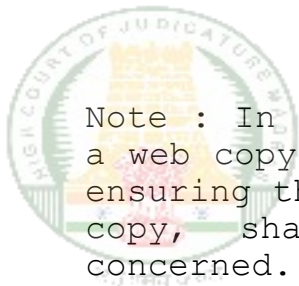
Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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.

WEB COPY

To

1.The District Registrar (Admin),
Karaikudi Town,
Sivagangai District.

2.The Sub Registrar,
Ponnamaravathi,
Pudhukottai District.

+1 CC to M/s.BABU. RAJENDRAN, Advocate (SR-30605[F]
dated 29/09/2021)

+1 CC to M/s.SPL.GP (SR-30597[F] dated 29/09/2021)

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