



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.11.2021

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THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. (MD) .No.19320 of 2021

and

W.M.P. (MD) .No.16073 of 2021

A.R.Krishnan

... Petitioner

Vs.

1.The Sub Registrar,
Sub Registrar Office,
Manapparai,
Trichy District.

2.Chinnalagan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, by directing the first respondent to consider the petitioner's objection dated 20.10.2021 before registering any document with respect to S.F.No.104, Sampatti Village, Manapparai Taluk, Trichy District.

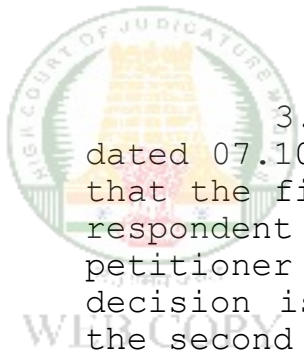
For Petitioner : Mr.AN.Ramanathan

For R-1 : Mr.K.S.Selva Ganesan
Counsel for State.

ORDER

The petitioner seeks a direction to the first respondent to consider his objection before registering any document with respect to S.F.No.104, Sampatti Village, Manapparai Taluk, Trichy District.

2. The petitioner claims title to the above mentioned property through an oral partition. Pursuant thereto, the petitioner states that the revenue records were mutated in his name. The petitioner alleges that the revenue records were subsequently transferred in the name of one A.Chinnalagu @ Chinnalagan on the basis of a registered partition deed dated 12.12.1975. The petitioner has challenged the said registered partition deed by filing O.S.No.193 of 2021 before the learned Subordinate Judge, Manapparai. It is stated that the said suit is pending.



3. In these facts and circumstances, pursuant to an order dated 07.10.2021 in W.P.(MD).No.18175 of 2021, the petitioner states that the first respondent is reconsidering the request of the second respondent for registration of a deed of conveyance. Therefore, the petitioner seeks consideration of his objection petition before a decision is taken on the registration of a sale deed presented by the second respondent.

4. Mr.K.S.Selva Ganesan, learned counsel for the State, accepts notice on behalf of the first respondent. In view of the nature of the order proposed to be issued, notice to the second respondent is dispensed with.

5. The petitioner has enclosed a copy of the plaint in O.S.No.193 of 2021 on the file of the Sub Court, Manapparai. On perusal of the plaint, it appears to be a suit for a declaration of title and for a declaration that the partition deed dated 12.12.1975 is invalid. By citing the pending civil suit, the petitioner has filed an objection petition. Therefore, the first respondent should consider the objection of the petitioner before taking a decision in accordance with the provisions of the Registration Act, 1908 and Rules framed thereunder.

6. Accordingly, W.P.(MD).No.19320 of 2021 is disposed of by directing the first respondent to consider the objection petition dated 20.10.2021 of the petitioner before taking a decision on the request of the second respondent to register a sale deed. Both the petitioner and the second respondent should be provided a reasonable opportunity before a decision is taken either on the registration of the sale deed or on the objection petition of the petitioner herein. There will be no order as to costs. Consequently, W.M.P.(MD).No.16073 of 2021 stands closed.

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg/nsr

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

The Sub Registrar,
Sub Registrar Office,
Manapparai,
Trichy District.

+1 CC to M/s.AN.RAMANATHAN, Advocate (SR-33570[F] dated
02/11/2021)

+1 CC to M/s.SPL.GP (SR-33658[F] dated 08/11/2021)

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MGJ/PM(18.11.2021) 3P 4C