



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.3794 of 2022

C.Selvarasu

... Petitioner

Vs.

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

2.The District Registrar,
Office of Registration Department,
Ariyalur District, Ariyalur.

3.The Sub-Registrar,
Vaalikandapuram SRO,
Vaalikandapuram,
Perambalur District.

4.Alamelu

5.Latha

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the 3rd respondent dated 25.01.2021 made in refusal Check Slip Nos.RFL/Vaalikandapuram/7/2022 and RFL/Vaalikandapuram/8/2022 and to quash the same, consequently direct the 3rd respondent to register the Sale Deeds and to return the original Sale Deed forthwith.

For petitioner : Mr.C.Prabakaran

For Respondents : Mr.Yogesh kannadasan
Special Government Pleader



ORDER

The petitioner has filed this petition to call for the records relating to the impugned order passed by the 3rd respondent dated 25.01.2021 made in refusal Check Slip Nos.RFL/Vaalikandapuram/7/2022 and RFL/Vaalikandapuram/8/2022 and to quash the same, consequently direct the 3rd respondent to register the Sale Deeds and to return the original Sale Deed forthwith.

2. Mr.Yogesh Kannadasan, learned Special Government Pleader takes notice for the respondents. In view of the limited relief sought for in this petition and on the consent expressed by the learned counsel appearing on either side, this petition is taken up for final disposal.

3. Since, no adverse order is being passed against the fourth and fifth respondents, notice to the fourth and fifth respondents is dispensed with.

4. The case of the petitioner is that the petitioner is the owner of the property comprised in Survey No.206/E, measuring an extent of 40 cents, Survey No.221/33 measuring an extent of 15 cents, 230/1D measuring an extent of 52 cents in Patta No.235, situated at Elumur village, Vaalikandapuram Sub-registration District, Kunnam Taluk, Perambalur District. And, the property comprised in Survey No.233/1C totally measuring to an extent of 4 cents of undivided share of one-third and survey No.206/10C measuring an extent of 0.07.47 cents of undivided half share to an extent of 0.03.74 and Natham Survey No.191/5 measuring 1550 Sq.ft, are owned by the petitioner. Similarly, another property comprised in Survey No.206/10A to an extent of 1.24 acres of land in separate Patta No.235/5 are also belongs to the petitioner. Thereafter, the petitioner wants to alienate the property in favour of his sons, for which he presented a document before the third respondent. However, the third respondent refused to register the document by way of impugned order dated 25.01.2022 on the premise that fourth and fifth respondent filed a Suit in O.S.No.274 of 2021 before the competent Civil Court. Challenging the same the present Writ Petition has been filed by the petitioner for the above relief.

5. Though very many grounds have been raised, learned counsel for the petitioner submitted that fourth and fifth respondents are close neighbours of the petitioner. However, in the said suit the petitioner is the party, however, the official respondents are not party in the suit, without restraining order from the competent Civil Court against the petitioner, refusing to register the document is not sustainable. However, the original documents stands in the name of petitioner.



6. The learned Additional Government Pleader appearing for the respondents submits that the petitioner's representation dated 25.01.2022 will be considered by the third respondent, within the time frame that may be fixed by this Court, if he produce a copy of the parent document.

7. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case, third respondent is directed to entertain the document presented by the petitioner upon satisfaction of the parent document and pass appropriate orders within a period of twelve weeks from the date of receipt of a copy of this order after affording an opportunity to the fourth and fifth respondents and if the fourth and fifth respondents are in possession of the restrained order as against the petitioner as well as third respondent, liberty is granted to them to produce the same before the Registrar.

8. Accordingly, this writ petition is disposed of with the aforesaid direction. No costs.

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

tri/nhs

To

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

2.The District Registrar,
Office of Registration Department,
Ariyalur District, Ariyalur.

3.The Sub-Registrar,
Vaalikandapuram SRO,
Vaalikandapuram, Perambalur District.

+1cc to Government Pleader SR. No.13046
+1cc to Mr.C.Prabakaran, Advocate SR. No. 12207

W.P.No.3794 of 2022

PMK (CO)
PR (21/03/2022)