



WEB COPY



W.P.No.27414 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2022

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.27414 of 2022

D.Karthikeyan

.. Petitioner

Versus

1.The District Registrar
South Chennai Registration District
Integrated Building for Offices of Commercial Taxes
and Registration Department
Fanepet, Nandanam
Chennai – 600 035

2.The Sub Registrar
Selaipur
Chennai

3.M.Shanmugam

4.Sivakumar

5.P.L.Periyasamy

6.Vasantha @ Vasantha Lakshmi

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India
praying for issuance of Writ of Mandamus, directing the second respondent to
consider the petitioner's representation dated 18.03.2022.

For Petitioner

:Mr.S.Jaganathan



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For Respondents

:Mr.E.Vijay Anand for R1&R2
Additional Government Pleader

ORDER

This writ petition is filed seeking for issuance of Writ of Mandamus to direct the second respondent to consider the petitioner's representation dated 18.03.2022.

2. According to the petitioner, he is the owner of the land and building measuring about 3 acres and 15 cents which was purchased during the year 2005. However, sixth respondent created bogus legal heirship certificate and by virtue of the same, the petitioner's patta was cancelled. Hence, the petitioner, on 18.03.2022 made a complaint before the first respondent for cancellation of the sale deed. Further on 23.09.2022, he sent a reminder letter to the second respondent, which is also pending. Hence, this petition.

3. The learned counsel for the petitioner submitted that admittedly, the petitioner made a complaint before the Law Enforcing Agency and the first respondent to cancel the document. Despite the same, the second respondent is entertaining the documents produced by the private respondents which is not sustainable in the eye of law.



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4. Per contra, the learned Additional Government Pleader for the respondents 1 and 2 submitted that unless there is a restraining order from the competent Civil Court or under Sec. 22A & 22B of the Act, the documents cannot be refused to register by the Sub-Registrar. Hence, seeks for dismissal of this writ petition.

5. Heard both sides and perused the materials placed on record. The facts of the present case are not disputed. It is to be noted that unless there is no order from the competent civil court restraining registration of the documents, the Sub-Registrar is duty bound to entertain the documentr and further, the Sub-Registrar is entitled to entertain the documents unless, those documents comes under the ambit of Section 22A and B of the Registration Act. Admittedly, in the present case, there is no restraining order from the competent Civil Court and the document also does not come under the purview of Section 22A and B of the Registration Act.



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6. In view of the aforesaid discussion, this writ petition stands dismissed.

No costs.

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Index: Yes/No
dhk

To

1.The District Registrar
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Integrated Building for Offices of Commercial Taxes
and Registration Department
Fanepet, Nandanam
Chennai – 600 035

2.The Sub Registrar
Selaiyur
Chennai



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M.DHANDAPANI, J.

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