



WEB COPY



W.P.No.31311 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.11.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.31311 of 2022
and
W.M.P.No.30747 of 2022

D. Shanmugam

... Petitioner

VS.

1. The Sub Registrar,
Ganapathi Sub Registrar Office,
No.12/1, Vellavan Nagar,
Maniyakaranpalayam Road,
Coimbatore – 641 006.

2. P. Ananda Kumar

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, forbearing the first respondent from registering any documents or deeds in respect of the land in survey No.257/2 owned by the second respondent based on the representation given by the petitioner dated 07.07.2022 and pass orders

For Petitioner

: Mr.K.P.P. Raja Raja Chozhan

For Respondents

: Mr.C. Kathiravan

Special Government Pleader



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ORDER

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By consent of both the parties this writ petition is taken up for disposal at the admission stage itself.

2.This Writ Petition has been filed to consider the representation dated 07.07.2022 and pass orders.

3. The case of the petitioner is that the petitioner and the second respondent are neighbours and the second respondent who is the owner of the land in Survey No.257/2 encroached the pathway (Common Cart Track). Whiles0 in order to remove the said encroachment the petitioner filed a suit in O.S.No.680 of 2022 before the Additional District Munsif, Coimbatore and the same is pending. The grievance of the petitioner is that the second respondent had sold a certain extent of lands in Survey No.257/2 and planning to sell the remaining lands. Hence the petitioner gave a representation to the first respondent not to entertain any documents or deeds with respect to second respondent's property. However the same has



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not been considered. Hence the petitioner has filed the present Writ Petition.

4. Though very many grounds have been raised in this Writ Petition, learned counsel for the petitioner submits that, it would suffice, if this Court issues direction to the respondents to consider the representation dated 07.07.2022 and pass orders.

5. The learned Special Government Pleader appearing for the respondents submitted that if there is no restrain order, the Sub Registrar cannot refuse the document presented for registration if the said document is in order. Hence prays for dismissal of the writ petition.

6. In view of the above, this Court is of the opinion that if there is no restrain order or bar under Sections 22 A and 22 B of the Registration Act, the Sub Registrar cannot refuse the document presented for registration. In the instant case there is no restrain order. Hence, there is no merit in the submission made by the learned counsel for the petitioner. Accordingly this



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writ petition dismissed. No order as to costs. Consequently the connected miscellaneous petition is closed.

24.11.2022

Index : Yes/No
Speaking order : Yes/No
smn

To

The Sub Registrar,
Ganapathi Sub Registrar Office,
No.12/1, Vellavan Nagar,
Maniyakaranpalayam Road,
Coimbatore – 641 006.



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M.DHANDAPANI,J.

smn

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