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W.P.(MD)NO.464 OF 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.12.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.464 of 2019 and
W.M.P.(MD)No.412 of 2019

A.Thangamani Thevar

... Petitioner

Vs.

1. The District Registrar,
Registration Department,
Ramanathapuram District.

2. The Sub Registrar,
O/o.The Sub Registrar,
Sayalkudi,
Ramanathapuram District.

3. A.Subbiah

4. B.Thirunavukarasu

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to forbear the second respondent to carry over further registration of society's landed property in Survey No.304/2A2A of Naripiyur Village, Kadaladi Taluk, Ramanathapuram District and further direct the first respondent to conduct enquiry with regard to illegal transfer of society's land between the office bearers of the society based on the complaint dated 10.12.2018.



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For Petitioner : Mr.Raja Karthikeyan

For R-1 & R-2 : Mr.N.Sathees Kumar,
Additional Government Pleader.

For R-3 : No appearance.

* * *

ORDER

Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for respondents 1 and 2.

2. The learned counsel appearing for the writ petitioner pointed out that in the village of Naripiyur, there is a registered society, by name Kal Ther Ootia Karana Maravar Uravin Murai Sangam. According to the petitioner, the office bearers of the society fraudulently alienated some of the properties belonging to the society. The petitioner apprehends that further alienations may be carried out. In order to forbear the registering authority from registering any such transaction, the petitioner gave a representation. Thereafter



he filed the present writ petition.

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3. The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition.

4. I am not persuaded by the said submission. As rightly pointed out by the learned Additional Government Pleader appearing for respondents 1 and 2, the sangam in question is not a state instrumentality. If any member is aggrieved by the illegal allegations of the office bearers, remedy is not filing writ petition. In any event, this writ petition is not founded on any definite cause of action. The registering authority is bound by the provisions of the Registration Act. If the transaction falls within the provisions of Section 22-A and 22-B of the Act, then the registering authority is obliged to decline the registration; otherwise it is bound to process the document. This Court cannot decide the issue. If there is any illegal transaction, it is open to the petitioner to move the appellate authority or the jurisdictional civil Court for relief.



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5. Leaving open the rights of the petitioner, this writ petition stands disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

08.12.2022

Index : Yes / No

Internet : Yes/ No

PMU

To:

1. The District Registrar,
Registration Department,
Ramanathapuram District.
2. The Sub Registrar,
O/o.The Sub Registrar,
Sayalkudi,
Ramanathapuram District.



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5

W.P.(MD)NO.464 OF 2019

G.R.SWAMINATHAN,J.

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W.P.(MD)No.464 of 2019

08.12.2022