



WEB COPY



W.P.No.2571 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.2571 of 2023

S.Mahalakshmi

... Petitioner

Vs.

1.The Inspector General of Registration,
100, Santhome High Road,
Pattinapakkam, Chennai 600 028.

2.The District Revenue officer,
Tirupur District.

3.The Sub Registrar, Nallur
Office of the Sub Registrar, Nallur,
Nallur Taluk, Tirupur District.

4.Arulmighu Viswanathaswamy and Visalakshmi,
Subramania Swamy Temple,
Represented by its Executive Officer,
Nallur, Tirupur District 641 606.

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, calling for the entire records in connection with the impugned proceedings of the 3rd respondent dated 24.11.2022, quash the same and consequentially directing the 3rd respondent to register pending documents in P.No.160/2020.



W.P.No.2571 of 2023

WEB COPY

For Petitioner : M/s.V.Srikanth
For Respondents :
(R1 & R3) : Mr.D.Ravichander
Special Government Pleader.
(R4) : Mr.R.Rajesh Vivekananthan

ORDER

The writ on hand has been instituted questioning the validity of the order passed by the third respondent in proceeding dated 24.11.2022.

2. The impugned order was passed by the Sub Registrar refusing to register the document presented by the writ petitioner. There was an objection from the 4th respondent / temple to register documents under Section 22(A) of the Registration Act. In view of the said objection, the Registering Authority returned the document presented by the writ petitioner for registration.

3. The learned counsel for the petitioner mainly contended that the Revenue Authorities had an occasion to adjudicate the issue on hand and held that the petitioner is the owner of the property. However, the temple raised an objection and now it is brought to the notice of this Court that the



W.P.No.2571 of 2023

4th respondent / temple preferred an Appeal before the District Collector for the purpose of resolving the issues. The District Collector also issued an inquiry notice in proceeding dated 02.12.2022, to all the parties for the purpose of conducting an inquiry. During the pendency of the inquiry, the Registering Authority may not be in a position to register the document.

4. In view of the facts and circumstances, the District Collector, Tiruppur is directed to expedite the inquiry proceedings and conclude the same by affording opportunity to all the parties and decide the issues on merits and in accordance with law. Only after resolving the issues, the registering authority has to act in accordance with law.

5. With these observations, the writ petition stands **disposed of**. No costs.

(sha)
Index : Yes
Speaking Order
Neutral Citation : Yes

18.07.2023

NOTE : The registry is directed to communicate a copy of this order to the District Collector, Tiruppur.



WEB COPY



W.P.No.2571 of 2023

S.M.SUBRAMANIAM. J.,

(sha)

To

1.The Inspector General of Registration,
100, Santhome High Road,
Pattinapakkam, Chennai 600 028.

2.The District Revenue officer,
Tirupur District.

3.The Sub Registrar, Nallur
Office of the Sub Registrar, Nallur,
Nallur Taluk, Tirupur District.

W.P.No.2571 of 2023

18.07.2023