



W.P.No.5512 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2023

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.5512 of 2023

Ravichandran

.... Petitioner

-Vs-

The Sub Registrar
Namakkal Joint No.II
Sub Registrar Office
Namakkal.

.... Respondent

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondent to dispose petitioner's objections dated 05.10.2021 before making any registration of documents pertaining to S.F.No.58/2B, 58/3B, 58/4 and S.No.77, Thoppampatty Village, Namakkal Taluk.

For Petitioner : Mr.V.P.K.Gowtham
For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

The prayer sought for herein is for a Writ of Mandamus directing the respondent to dispose petitioner's objections dated 05.10.2021 before making any registration of documents pertaining to S.F.No.58/2B, 58/3B, 58/4 and S.No.77, Thoppampatty Village, Namakkal Taluk.



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2. The petitioner claims that the petitioner's vendor filed a suit against some third party for declaration regarding the easementary rights pertaining to the property at S.F.No.58/2B, 58/3B, 58/4 and S.No.77, Thoppampatty Village, Namakkal Taluk.

3. It is the further claim of the petitioner that, the petitioner's vendor has got a declaratory decree with regard to the easementary rights. Subsequently, the petitioner purchased the said property and now the apprehension of the petitioner is that, the third parties may come forward to file any document for registration before the respondent Sub Registrar Office with regard to the property belongs to the third parties including the easementary rights of the petitioner and in such case such document shall not be registered without hearing the petitioner.

4. Reiterating the aforesaid, the learned counsel for the petitioner seeks the indulgence of this Court.

5. Heard Mr.Yogesh Kannadasan learned Special Government Pleader appearing for the respondent.



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6. Insofar as the prayer sought for in this writ petition is concerned, it is completely on surmises the petitioner has come before this Court, as no cause of action has arisen to seek for any such prayer. If anyone seeks such an omnibus prayer by way of Mandamus from this Court on apprehension and such kind of preemptive orders are passed, that will create much havoc in the functioning of the statutory authority under the Registration Act. Therefore, the prayer sought for cannot be granted. If at all the petitioner faces any such registration of documents under which the easementary rights of the petitioner is affected, since the petitioner already claimed that the vendor of the petitioner has got a fortified easementary right by the orders of the Court, that can very well be implemented by the petitioner. Therefore, presently the petitioner does not have any grievance and moreover, on the presumptive nature such a prayer cannot be sought for in the writ petition and hence this writ petition is liable to be dismissed.

7. Since this writ petition has been filed frivolously without any basis and without any cause of action, this Court is inclined to dismiss this writ petition with costs of Rs.5,000/- (Rupees Five Thousand only), which shall be paid to the Madras High Court Legal Services Committee within a period of two weeks from the date of receipt of a copy of this order.



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R. SURESH KUMAR, J.

KST

8. With the above directions, this writ petition is dismissed. No costs.

24.02.2023

Index : Yes/No
Neutral Citation : Yes/No
Speaking Order / Non-speaking order
KST
To

The Sub Registrar
Namakkal Joint No.II
Sub Registrar Office
Namakkal.

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