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Writ Petition No.31095 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :06.06.2023

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

Writ Petition No.31095 of 2015
and M.P.No.1 of 2015

Nanthakumar

... Petitioner

-Vs-

1. The Sub-Registrar,
Macheri, Salem District.

2.K.Ravisankar

... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, forbearing the 1st respondent from registering any document either in the form of sale deed/mortgage/ lease or any other document when presented by the 2nd respondent purporting to in any manner encumber the property comprised in Survey Nos.20/1B2 – 3.41 Acres & 20/2B – 20 Cents totally 3.61 Acres situated at Koppampatti Village, which was registered as Doc.No. 2671 of 2014 on 11.08.2014.

For Petitioner : Mr.M.Arikarasundan
for Mr.B.Harikrishnan

For Respondents : Mr.G.Krishna Raja
Additional Govt. Pleader [R1]
Mr.B.Singaravelu [R2]
No appearance [R5]



Writ Petition No.31095 of 2015

WEB COPY

ORDER

This writ petition has been filed to forbear the 1st respondent from registering any document either in the form of sale deed/mortgage/ lease or any other document when presented by the 2nd respondent purporting to in any manner encumber the property comprised in Survey Nos.20/1B2 – 3.41 Acres & 20/2B – 20 Cents totally 3.61 Acres situated at Koppampatti Village, which was registered as Doc.No. 2671 of 2014 on 11.08.2014.

2. The relief as such sought for in the present writ petition is absolutely misconceived and such a general relief cannot be granted in writ proceedings. Every document presented by the parties has to be registered if it otherwise in accordance with law. Thus, the Registering Authority has no option to decline to register the document, if it is presented by following the procedures as contemplated. If at all any dispute exists between the parties, the petitioner has to approach the competent Court of law for the purpose of resolving the issues.



Writ Petition No.31095 of 2015

3. Thus, the relief as such sought for in this writ petition cannot be granted and the petitioner is at liberty to approach the Competent Civil Court of law, if there is any dispute regarding the property rights.

Accordingly, this writ petition stands disposed of. No costs.
Connected miscellaneous petition is closed.

06.06.2023

Index : Yes
Speaking order: Yes/No
Neutral Citation: Yes/No

mp
To

The Sub-Registrar,
Macheri, Salem District.



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Writ Petition No.31095 of 2015

S.M.SUBRAMANIAM, J.

mp

Writ Petition No.31095 of 2015

06.06.2023