



WEB COPY

WP No.8956 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25-07-2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP No.8956 of 2023

Mrs.Kavitha

... Petitioner

Vs.

1.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai-600 002.

2.The District Registrar,
District Registrar Office,
Cuddalore District.

3.The Sub-Registrar,
Sub-Registrar Office,
Kurinjipadi,
Cuddalore District.

4.Mr.Sathish

5.Mrs.Preethika

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India



WEB COPY



for issuance of a Writ of Mandamus, forbearing the second and third respondents herein from registering any documents in favour of the fourth respondent herein without knowledge of petitioner in respect of the property situated at Cuddalore District, Kurinjipadi Gramam, Bhuvanagiri Road, in Punjai Survey No.13/15, in Old Survey No.67/4A, Re-Survey No.13/15B, totally to an extent of 4930 sq.ft., until final verdict comes from in OS No.20 of 2023 on the file of the learned District Munsif cum Judicial Magistrate at Kurinjipadi.

For Petitioner : Mr.B.Ramar

For Respondents-1 to 3 : Mr.E.Sundaram,
Government Advocate.

For Respondents-4 and 5: Mr.A.Arasu Ganesan

ORDER

The relief sought for in the present writ petition is to forbear the second and third respondents herein from registering any documents in favour of the fourth respondent herein without the knowledge of the petitioner in respect of the property situated at Cuddalore District, Kurinjipadi Gramam, Bhuvanagiri Road, in Punjai Survey No.13/15, in Old Survey No.67/4A, Re-Survey No.13/15B, totally to an extent of 4930 sq.ft.,



until final verdict comes from in OS No.20 of 2023 on the file of the learned District Munsif cum Judicial Magistrate at Kurinjipadi.

WEB COPY

2. The learned counsel appearing on behalf of the petitioner mainly contended that there is a civil suit, which has been instituted by the petitioner in OS No.20 of 2023 on the file of the District Munsif-cum-Judicial Magistrate at Kurinchipatti, Cuddalore District.

3. During the pendency of the said civil suit, the respondents 4 and 5 have initiated steps to register the documents.

4. In this regard, the petitioner has given a representation to the second respondent, which was not considered and therefore, the petitioner is constrained to move the present writ petition.

5. Admittedly, the civil suit has been instituted by the petitioner. While-so, the relief of injunction is to be sought for in pending civil suit by either of the parties.



6. Contrarily, the petitioner cannot approach the High Court under Article 226 of the Constitution of India for the purpose of securing an order of injunction to forbear the second and third respondents from registering any documents.

7. Mere pendency of civil suit is not a bar for the Registering Authority to register the documents, only if an order of has been passed by the Competent Civil Court granting injunction or any other suitable order. The Registering Authority cannot consider the objections raised by the private parties. The objections raised in consonance with Sections 22-A and 22-B of the Registration Act, 1908, alone are to be considered for refusal of registration and in respect of all other objections raised by the private parties to register any documents. The Registering Authority is not empowered to consider the same, in the absence of any order from the Competent Court of Law.

8. Thus the very relief sought for by the petitioner in the present writ petition cannot be considered. However, the petitioner is at liberty to approach the Competent Civil Court of Law for getting



WEB COPY

WP No.8956 of 2



appropriate orders.

9. With the above observations, the present writ petition stands disposed of. However, there shall be no order as to costs.

25-07-2023

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
Svn



WEB COPY

To

- 1.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai-600 002.
- 2.The District Registrar,
District Registrar Office,
Cuddalore District.
- 3.The Sub-Registrar,
Sub-Registrar Office,
Kurinjpadi,
Cuddalore District.
- 4.The District Munsif-cum-
Judicial Magistrate,
Kurinjpadi,
Cuddalore District.

WP No.8956 of 2



S.M.SUBRAMANIAM, J.

Svn

WP 8956 of 2023

25-07-2023