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W.P.No.10072 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.10072 of 2023

K.M.Raajamanickam

... Petitioner

Vs.

1.The District Registrar (Salem West)
Room No.313, Collectorate Building
O/o The District Collector Office
Salem – 636 001.

2.The Sub-Registrar
Jalagandapuram Sub-Registrar Office
Mettur Taluk, Salem District.

3.M.Bhoopathi

4.N.Senthil Kumar

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, forbearing the 2nd respondent in entertaining and registering any Deeds / Documents in respect of agricultural property Land to an extent of 3.98 Acres, comprised in S.Nos.147/1B, 143/1B, 143/2B, 147/2B, 147/4, 147/3B in Patta No.477, situated at Veerakal Village, Jalagandapuram Taluk, Salem West Salem



District by considering the petitioners objection Letter (Thadangal Manu) dated 31.01.2023.

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For Petitioner	: Mr.N.Vijaya Baskar For M/s. Law Vision
For R1 & R2	: Mr.G.Krishna Raja Additional Government Pleader
For R3	: Mr.R.Jothimanian
For R4	: Mr.C.Anbu

ORDER

The writ of mandamus has been filed to forbear the 2nd respondent in entertaining and registering any Deeds / Documents in respect of agricultural property Land to an extent of 3.98 Acres, comprised in S.Nos.147/1B, 143/1B, 143/2B, 147/2B, 147/4, 147/3B in Patta No.477, situated at Veerakal Village, Jalagandapuram Taluk, Salem West Salem District by considering the petitioners objection Letter (Thadangal Manu) dated 31.01.2023.

2. The learned counsel for the petitioner mainly contended that the petitioner has paid part sale consideration and entered into an agreement and



the respondents 3 and 4 in order to cheat the petitioner attempted to register the sale deed in favour of the third party depriving the right of the petitioner.

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The petitioner submitted an objection letter to the Sub Registrar on 31.01.2023 and the Sub Registrar has not initiated appropriate action and thus, the petitioner is constrained to move the present writ petition.

3. The learned counsel for the respondents 3 and 4 made a submission that the Sub Registrar is incompetent to adjudicate the disputed facts regarding the transaction between the petitioner and the respondents 3 and 4. The Documents are presented properly and therefore, the Registrar is bound to register the same. Thus, the writ petition is to be rejected.

4. The learned Additional Government Pleader appearing on behalf of the respondents 1 and 2 raised an objection by stating that Section 17 (1-A) of the Registration Act empowers the Registrar to register the document containing contract to transfer for consideration any immovable property for the purpose of Section (1-A) of the Property Tax, 1882. Therefore, there is no prohibition for the registering authority to receive and register the document. Section 17(1-A) of the Registration Act reads as under:



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respect of private objections need not be considered in the absence of any order / decree from the Competent Court of law. Private objections submitted along with the decree of the Court of law or orders of the Court alone needs to be considered.

6. With these observations, this Writ Petition stands dismissed. No costs.

08.06.2023

Jeni
Index : Yes
Speaking order
Neutral Citation : Yes

To

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S.M.SUBRAMANIAM, J.

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