



WEB COPY

WP No.12000 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06-07-2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP No.12000 of 2018

And

WMP Nos.13979 and 13980 of 2018

P.Pachamuthu

... Petitioner

Vs.

The Sub Registrar,
O/o.Sub Registrar,
Palacode,
Dharmapuri District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to proceeding made in Na.Ka.No.155/2017 dated 23.08.2017 passed by the respondent and quash the same and consequently direct the respondent to register the Partition Deed dated 05.08.2017 presented for registration in respect of the land comprised in S.No.141/1, situated at Chikkarthanahalli Village, Palacode Taluk, Dharmapuri District an extent of 4.22 acres and return the same.



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For Petitioner : Mr.G.Ethirajulu
For Respondent : Mr.D.Ravichander,
Special Government Pleader.

ORDER

The impugned refusal check slip on 23.08.2017 issued by the respondent-Sub Registrar, is under challenge in the present writ petition.

2. The petitioner states that he is the owner of the subject property described in the writ petition. However, the Sub Registrar on presentation of document refused to register on the ground that the subject property is belonging to the Religious Institution/Temple.

3. The learned counsel for the petitioner made a submission that the suit filed by the Temple was dismissed and more-so, the Second Appeal as of now is pending. Several other civil cases are also instituted under OS No.340 of 1997 on the file of the District Munsif Court, Pallacode is pending.



4. The appeal filed by the writ petitioner in AS No.72 of 2017 is also pending. The impugned order also states that the parties are at liberty to crystallise their civil rights through Civil Court of Law and thereafter presented the document.

5. That apart, there is an objection from the Religious Institution from the people of that locality in the name of the Temple, which is falling under Section 22-A of the Registration Act. If there is any objection from any Religious Institution, then the Registering Authority is empowered to refuse the document for registration.

6. In the present civil litigations are pending before the Authorities between both the parties .

7. That being the factum, the respective parties are at liberty to deal with their property only after disposal of the civil litigations and reaching finality.



8. With the above observations, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

06-07-2023

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



To

The Sub Registrar,
O/o.Sub Registrar,
Palacode,
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S.M.SUBRAMANIAM, J.

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