



W.P.No.11494 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.11494 of 2023
and
W.M.P.No.11381 of 2023

1.K.Murugan

2.Parvathi

...Petitioners

-Vs-

1.The Sub Registrar,
Sub-Registrar Office,
Pethanaickenpalayam,
Salem District.

2.Subbarayan

3.Chinnaraj

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, forbearing the 2nd and 3rd respondents from registering any documents or encumbrance with the 1st respondent with respect to the property comprising in S.No.159/9D measuring Acre 2.51 cents and S.No.160/2 measuring Acre 0.13½ cents and S.No.160/2 measuring Acre 0.80 ¼ cents, altogether Acre 3.44 ¾ cents situated at Pethanaickenpalayam



W.P.No.11494 of 2023

village, Pethanaickenpalayam Taluk, Salem District, based on the petitioner's representation dated 27.03.2023.

For Petitioners : Ms.S.Vinodha

For R1 : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

Heard Ms.S.Vinodha, learned counsel for the petitioner and Mr.Yogesh Kannadasan, learned Special Government Pleader for the first respondent.

2. In view of the order to be passed in this Writ Petition, no prejudice would be caused to the respondents 2 and 3 and hence, notice to the respondents 2 and 3 is hereby dispensed with.

3. The respondents 2 and 3 are the brothers of the first petitioner. Admittedly, a suit for partition of the properties, that stood in the name of their father, is pending before the Principal District Court, Salem in O.S.No.67 of 2023. The petitioner has also filed a suit to declare certain documents as invalid. When the said suit is pending, the present prayer



W.P.No.11494 of 2023

seeking for issuance of a Writ of Mandamus, forbearing the official respondents from registering the document for creating further entries, may not be proper and such a relief can be obtained in the Civil Court itself.

4. The learned Special Government Pleader appearing for the first respondent, on instructions, submitted that as per the Circular dated 14.10.2018 of the Inspector General of Registration, any protest petition received by the Registering Officers requires to be accompanied by other documents, to establish the title over the suit properties. In this regard, the first respondent herein had also issued a notice dated 28.03.2023 to the petitioner calling upon him to produce the supporting documents to his protest petition.

5. This Court is of the view that it is always open to the petitioner to produce the documents on which he relied upon for the purpose of establishing his title as a right over the said property. Thus, invoking the jurisdiction of this Court under Article 226 of the Constitution of India may not be appropriate in the given circumstances.



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W.P.No.11494 of 2023

M.S.RAMESH,J.

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6. In the light of the above observations, the Writ Petition stands dismissed with liberty to the petitioner to work out his remedies before the concerned Civil Court. No costs. Consequently, connected miscellaneous petition is closed.

17.04.2023

Index:Yes/No
Internet:Yes/No
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To

The Sub Registrar,
Sub-Registrar Office,
Pethanaickenpalayam,
Salem District.

W.P.No.11494 of 2023