



WEB COPY

W.P.No.13164 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.13164 of 2021
and
W.M.P.No.13974 of 2021

M.Kadirevel

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Salem – 636 001.

2.The Tahsildhar,
Vazhapadi Taluk, Salem District.

3.The Sub-Registrar,
Vazhapadi Sub-Registry,
Vazhapadi, Salem District.

4.Selvi

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 not to register any document or effect any alteration / mutation of revenue records in respect of Patta Nos.791, 411, 423, 630, 685, 858, 872, 873, 893, 897, 906, 907, 177, 246 in Vazhapadi Village, Patta Nos.411, 423 in Agrahara Vazhapadi Village and Patta No.1466 in Thokiampalayam Village, except in accordance with the order dated 30.05.2016 of the 1st respondent in Na.Ka.5790/2015/A4.



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For Petitioner	: Mr.S.Sathiseelan
For R1 to R3	: Mr.E.Sunda Ram, Government Advocate
For R4	: Mr.A.E.Ravichandran

ORDER

The relief sought for in the present Writ Petition is to direct the respondents 1 to 3 not to register any document or effect any alteration / mutation of revenue records in respect of Patta Nos.791, 411, 423, 630, 685, 858, 872, 873, 893, 897, 906, 907, 177, 246 in Vazhapadi Village, Patta Nos.411, 423 in Agrahara Vazhapadi Village and Patta No.1466 in Thokiampalayam Village, except in accordance with the order dated 30.05.2016 of the 1st respondent in Na.Ka.5790/2015/A4.

2. The relief as such sought for in the present Writ Petition is directly in counter to Rule 55 of the Registration Rules, which contemplates that *" It forms no part of a registering officer's duty to enquire into the validity of a document brought to him for registration or to attend to any written or verbal protest against the registration of a document based on the ground that the executing party had no right to execute the document."*

3. The learned counsel for the petitioner states that a Civil Suit in



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O.S.No.382 of 2018 on the file of the District Munisf Court, Vazhapadi is pending. During the pendency of the Suit, the parties are at liberty to secure any interim relief by filing an Interlocutory Application. However, private objections given by the petitioner for not to register any document before the registering authority is untenable. After resolving the disputes, either of the party is at liberty to approach the competent authorities under the provisions of the Tamil Nadu Patta Passbook Act, 1983 for grant of patta, cancellation of patta or to mutate the revenue records, as the case may be.

4. At the outset, during the pendency of a Civil Suit, revenue authorities cannot decide the disputed issues between the parties, which is of civil nature. As far as the registering authority, under the Registration Act is concerned, they are not empowered to entertain the private objections submitted any person for not to register the documents.

5. This being the principles, the relief sought for in the present Writ Petition is not entertainable and the petitioner is at liberty to work out the remedy in the manner known to law.

6. With this observation, the Writ Petition stands dismissed.



Consequently, the connected Miscellaneous Petition is closed. No costs.

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Index : Yes

Speaking order

To

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S.M.SUBRAMANIAM, J.

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