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W.P.No.13064 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.13064 of 2023

R. Janarthanan

...Petitioner

Vs.

The Sub Registrar,
Kelamangalam,
Hosur District.

..Respondent

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondent from registering the documents in respect of land in S.Nos.346/1, 346/2, 346/3, 346/4, 350/2, 345/1B and 261/1, measuring totally 18.03 acres situated at Kalukondappalli and Madhakondapalli Villages, Denkanikottai Taluk, Krishnagiri District by considering the representation dated 28.12.2022.

For Petitioner : Mr.V. Manisekaran

For Respondent : Mr.T.Arunkumar
Additional Government Pleader



W.P.No.13064 of 2023

ORDER

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The relief sought for in the present writ petition is to forbear the respondent from registering the documents in respect of land in S.Nos.346/1, 346/2, 346/3, 346/4, 350/2, 345/1B and 261/1, measuring totally 18.03 acres situated at Kalukondappalli and Madhakondapalli Villages, Denkanikottai Taluk, Krishnagiri District by considering the representation dated 28.12.2022.

2. The relief as such sought for in the present case is absolutely misconceived. No such direction to forbear the 1st respondent / Sub-Registrar can be issued in respect of the documents, which all are presented by following the procedures as contemplated under the Registration Act. The Sub-Registrar concerned is bound to register all the documents, presented before him in a proper manner by paying the stamp duty and those documents that are otherwise prohibited under any Statute or Rules.

3. That being the power conferred on the Sub-Registrar under the provisions of the Registration Act, in the absence of any judicial order from the competent Civil Court, the Sub-Registrar cannot refuse registration



W.P.No.13064 of 2023

merely based on certain objections submitted by the private persons. If any objections submitted are of statutory in character, then alone, the Sub-Registrars are bound to act and private representations cannot be acted upon in the absence of any judicial order.

4. The Statutory order indicates that the Government or the competent authorities of the Government, if raises an objection by exercising the powers under any Statute, then such objections are to be acted upon.

5. In the present case, the petitioner claims that he is also a partner in a Firm and therefore, the private objection cannot be a ground to stop the registration. If at all the petitioner is aggrieved from and out of the actions of other partners or any other person, he has to approach the competent Civil Court of law. Only in the event of producing any judicial orders, the Sub-Registrar concerned will be in a position to act accordingly. Therefore, the very relief as such sought for in the present writ petition cannot be granted.



W.P.No.13064 of 2023

6. The learned counsel for the petitioner made a submission that the representation submitted is to be disposed of. Such general directions cannot be issued in the absence of establishing a right. It is a pre-condition to establish a right to entertain a writ petition. Mere direction in this regard would do no service to the cause of justice. Thus, the High Court cannot issue such mechanical directions to dispose of the representation in the absence of establishing a right.

7. In the present case, the petitioner has not established even a semblance of legal right and therefore, the writ petition stands dismissed.
No costs.

28.04.2023

Index : Yes
Speaking order
Neutral Citation: Yes

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To

The Sub Registrar,
Kelamangalam,
Hosur District.



WEB COPY



W.P.No.13064 of 2023

S.M.SUBRAMANIAM, J.

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W.P.No.13064 of 2023

28.04.2023