



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.15084 of 2023 &
W.M.P.No.14583 of 2023

K.Jeganathan

... Petitioner

Vs.

1.The District Registrar,
Salem,
Salem District.

2.The Sub Registrar,
Jalakandapuram,
Salem District.

3.Boopathy

4.Senthil Kumar

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to consider the representation of the petitioner dated 18.04.2023 and direct the respondents 1 and 2 not to entertain any document filed by the respondents 3 and 4 for registration in respect of the property in S.No.147 to the extent of 4.20 acres situated at Veerakkal Village, Mettur Taluk, Salem District



without settling 21 cents of land to the petitioner as per the order made in A.R.T.No.1 of 2023 in O.S.No.179 of 2007 dated 24.03.2003 on the file of the Munsif Court, Mettur.

For Petitioner : Mr.V.Elangovan
For Respondents 1 & 2 : Mr.T.Venkatesh Kumar,
Special Government Pleader
For Respondent 3 : Mr.M.R.Jothimanian
For Respondent 4 : Mr.M.R.Thangavel

ORDER

The relief sought for in the present writ petition is to direct the respondents 1 and 2 to consider the representation of the petitioner dated 18.04.2023 and to direct the respondents 1 and 2 not to entertain any document filed by the respondents 3 and 4 for registration in respect of the property in S.No.147 to the extent of 4.20 acres situated at Veerakkal Village, Mettur Taluk, Salem District without settling 21 cents of land to the petitioner as per the order made in A.R.T.No.1 of 2023 in O.S.No.179 of 2007 dated 24.03.2003 on the file of the Munsif Court, Mettur.

2. The petitioner states that the subject property is an undivided joint family property owned by the family of the petitioner. The father of the



petitioner sold the property to the respondents 3 and 4 without the consent of the other co-owners. The petitioner along with his son Sasikumar filed a civil suit in O.S.No.179/2007 before the Munsif Court, Mettur for partition and for declaration of title. The suit was dismissed on 12.12.2013 and an appeal suit was filed in A.S.No.13/2014 before the Sub Court, Mettur.

3. Learned counsel for the petitioner states that the respondents 3 and 4 approached the petitioner for mutual settlement. However, no further steps were taken. Subsequently, the respondents 3 and 4 have initiated action to sell the entire land including 21 cents belonging to the petitioner and also in respect of the land belonging to the third parties. Under those circumstances, the petitioner filed an objection before the Registering Authority not to entertain any document in respect of the subject property. Since the Sub Registrar has not acted upon, the present writ petition has been filed.

4. In respect of private objections for registration of a document, this Court considered the issues. Learned counsel appearing on behalf of the respondents 3 and 4 brought to the notice of this Court that the very same property was the subject matter in W.P.No.10072 of 2023 and a final order



has been passed in the said writ petition on 08.06.2023 dismissing the writ petition. The subject matter in the said writ petition and in the present writ petition is one and the same. The respondents 3 and 4 were the parties in the said W.P.No.10072/2023. The relevant paragraphs are extracted hereunder:

“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:

“[(1-A) The documents containing contracts to transfer for consideration, any immovable property for the purpose of Section 53-A of the Transfer of Property Act, 1882 (4 of 1882) shall be registered if they have been executed on or after the commencement of the Registration and Other Related Laws (Amendment) Act, 2001 and if such documents are not registered on or after such commencement, then, they shall have no effect for the purposes of the said Section 53-A.]”

5. When there is no express bar or prohibition, there is



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no impediment for the Registering Authority to receive the document, which is otherwise in accordance with the procedure and register the same in accordance with the Act and Rules. Since the petitioner could not establish any impediment for prohibition in receiving or registering the document of this nature, the objection may not be considered. More so, a private objection cannot be a bar for receiving and registering a document by the Registrar under the provisions of the Registration Act. Only certain nature of documents are prohibited and objections by certain religious institutions and authorities are alone to be taken into consideration for the purpose of registration and in 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.”

5. Learned counsel for the petitioner made a submission that the petitioner's family is ready to settle the property and the respondents 3 and 4 are also willing to settle the dispute between them.



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6. It is for the parties to settle the issues by mutual discussion or otherwise in the manner known to law. As far as the present writ petition is concerned, the relief as such sought for to prohibit the registering authority from registering a document cannot be entertained. If at all any dispute exists, the authorities have to approach the civil court of law for appropriate remedy.

7. With these observations, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

18.07.2023

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Index : Yes

Speaking order

Neutral Citation : Yes



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To

1.The District Registrar,
Salem,
Salem District.

2.The Sub Registrar,
Jalakandapuram,
Salem District.



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S.M.SUBRAMANIAM, J.

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