



W.P.No.15871 of 2

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.15871 of 2023
and
W.M.P.No.15343 of 2023

Mrs.Padmavathi

... Petitioner

Vs.

- 1.The District Collector,
Puducherry.
- 2.The District Registrar,
Registration Department,
Government of Puducherry,
Saram, Puducherry.
- 3.The Sub Registrar,
Town Sub Registrar Office,
Saram,
Puducherry.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue Writ of Mandamus, directing the first respondent consider the petitioner's representation on 12.05.2023.



For Petitioner : Mr.M.Gnanasekar

For Respondents : Mr.J.Kumaran,
Additional Government Pleader
(Puducherry)

ORDER

The relief sought for in the present writ petition is to direct the first respondent to consider the representation dated 12.05.2023 submitted by the petitioner.

2. The representation submitted by the petitioner reveals that the petitioner has already instituted a civil suit, which is pending and during the pendency of the civil suit in O.S.No.78 of 2020, the contesting parties in the suit are attempting to alienate the property. The petitioner submitted a representation not to register the document in respect of the suit scheduled property.

3. Mere pendency of a suit is not a bar for registering a document under the provisions of the Registration Act. It is for the petitioner to secure an interim order from the competent civil court of law for the purpose of restraining the authorities from registering any document. Thus, there is no



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impediment for registering a document, if any, in accordance with the provisions of the Act.

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4. Mere representation in this regard would be insufficient to issue a direction to consider the same. Disputed facts cannot be adjudicated in writ proceedings. Simply directing the authorities to consider the representation would do no service to the cause of justice and the civil suit is also pending between the parties, the rights are to be crystallized.

4. This being the factum, the petitioner is at liberty to work out her remedy before the competent court of law in the pending suit or otherwise.

5. With these observations, the writ petition stands disposed of.
No costs.

03.07.2023

skr

Index : Yes

Speaking order

Neutral Citation : Yes



To

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S.M.SUBRAMANIAM, J.

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