



W.P.No.21602 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.21602 of 2023

and

W.M.P.No.20973 of 2023

R.Rajalakshmi

... Petitioner

Vs.

1. The Inspector General Registration,
No.100, Santhome High Road,
Mullima Nagar, Mandavelipakkam,
Rajaannamalai Puram, Chennai-28.

2.The District Registrar,
Chennai North, Kuralagam,
Chennai-600 108.

3.The Sub-Registrar,
Registration Department,
Ambattur Sub-Registrar Office,
Ram Nagar, Ambattur, Chennai-53.

4.B.Shantha,

5.V.Nirmala

6.N.Mani

7.V.Vasanth



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8.V.Ravikumar

9.K.Malarvizhi

10.E.Uma Maheswari

11.V.Nandha Kumar

12.V.Sridhar,

13.Soundarya

14.Suresh

15.Gomathi

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, directing the 3rd respondent to take up the petitioner Protest Application dated 29.01.2021 on file and for the consequential direction not to register any kind of documents pertaining to the properties covered under Partition Deed dated 15-06-2011 registered as Document No.5392 of 2011 without obtaining No Objection from the petitioner.

For Petitioner : Mr.J.Ashok for
Mr.B.Logendiran

For Respondents :
(for R 1 to R3) : Mr.D.Ravichander
Special Government Pleader



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ORDER

The relief sought in the present writ petition is to direct the third respondent to take up the petitioner's Protest Application dated 29.01.2021 on file and for the consequential direction not to register any kind of documents pertaining to the properties covered under Partition Deed dated 15-06-2011 registered as Document No.5392 of 2011 without obtaining No Objection from the petitioner.

2.The petitioner states that the properties belonging to her family was illegally dealt with by the legal heirs of her brothers. Certain documents were registered behind the back of the petitioner depriving her right of share in the father's property. In this regard, the petitioner submitted an application to the Sub Registrar to refuse registration by conducting an enquiry.

3.The Sub Registrar / Registering Authority is not empowered to entertain any such Protest Petition from the private persons and adjudicate the same for the purpose of refusal of the registration under the provisions of the Registration Act. Objection Petitions can be entertained only if it is



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falling within the ambit of Section 22(A) of the Registration Act, i.e., objections by Government Departments and religious institutions, in respect of the private objections, the parties have to approach the Civil Court of law and in the event of furnishing any orders from the competent Court of law, the Registering Authority has to act accordingly.

4. Section 22(A) of the Registration Act provides that the Government Departments or the religious institutions are empowered to submit their objections for refusal of the registration in certain circumstances. However, the objections submitted by the private parties cannot be considered for the purpose of refusing registration by the Registering Authority under the provisions of the Registration Act.

5. The option left open to the private parties is to approach the competent Civil Court of law to establish their civil rights and if any interim order or final decree has been passed, the said orders may be produced before the Registering Authority for its implementation. Therefore, the representation submitted by the writ petitioner to refuse registration in respect of the subject property cannot be considered either by the Registering Authority or by the High Court in a writ proceedings since it



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involves civil rights between the parties which all are to be adjudicated in the manner known to law. Thus, the petitioner is at liberty to approach the competent Court of law.

6. Accordingly, the Writ Petition stands **disposed of**. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

(sha)
Index : Yes
Speaking Order
Neutral Citation : Yes

21.07.2023

To

1. The Inspector General Registration,
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3. The Sub-Registrar,
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S.M.SUBRAMANIAM. J.,

(sha)

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