



WEB COPY



W.P.No.21575 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.21575 of 2023

Palanisamy

... Petitioner

Vs.

1. The Inspector General Of Registration,
Inspector General Of Registration,
No.100, Santhome High Road,
Chennai-28.

2. The Deputy Inspector Of General Registrar,
No.6/1, GRD Road, Kamarajar Road,
Red Fields, (Opposite Airforce Admin College)
Coimbatore-641 045.

3.The District Registrar,
1/529, Nerupperichal Village,
Pooluvapatti Post, Tirupur-641 602.

4.The Sub-Registrar,
Dharapuram Sub-Registrar Office,
67 Park Road, Taluk Office Campus,
Dharapuram-638 656.

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, directing the 4th respondent not to register any documents in respect of the property comprised in



W.P.No.21575 of 2023

S.No.1099, present sub-division No.1099/1 an extent of 4.52.0 Hectares, in S.No.1094, present sub-division, No.1094/2 an extent of 4.44.0 Hectares and S.No.1106, present Sub-division No.1106/2A and extent of 8.25.0 in altogether an extent of 17.21.0 Hectares of Punja Land situated at Suriyanallur Village, Dharapuum Taluk, Dharapuram Sub-Registration Office, Tiruppur Registration District based on the petitioner's representation dated 04.07.2023.

For Petitioner : Mr.R.Sankara Subbu for
Mr.R.Venkatesan

For Respondents : Mr.G.Krishna Raja,
Additional Government Pleader

ORDER

The relief sought in the present writ petition is to direct the 4th respondent not to register any document in respect of the property comprised in S.No.1099, present sub-division No.1099/1 an extent of 4.52.0 Hectares, in S.No.1094, present sub-division, No.1094/2 an extent of 4.44.0 Hectares and S.No.1106, present Sub-division No.1106/2A and extent of 8.25.0 in altogether an extent of 17.21.0 Hectares of Punja Land situated at Suriyanallur Village, Dharapuum Taluk, Dharapuram Sub-Registration Office, Tiruppur Registration District based on the petitioner's representation dated 04.07.2023.



W.P.No.21575 of 2023

WEB COPY

2.The petitioner states that he is the absolute owner of the property more fully described in the present writ petition. However, some third parties are attempting to alienate the property belonging to the petitioner in an illegal manner and a Civil Suit in O.S.No.34 of 2023, seeking partition, is pending on the file of the District Court Tiruppur.

3.The learned counsel for the petitioner mainly contended that the registering authority shall not register any document during the pendency of the Civil Suit. Such a contention cannot be considered in view of the fact that there is no specific provision under the Registration Act to entertain objections from the private parties for the purpose of refusal of the registration, if any document has been presented.

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.



W.P.No.21575 of 2023

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 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.

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

21.07.2023



W.P.No.21575 of 2023

To
WEB COPY

1. The Inspector General Of Registrar,
Inspector General Of Registration,
No.100, Santhome High Road,
Chennai-28.
2. The Deputy Inspector Of General Registrar,
Deputy Inspector General Of Registration,
No.6/1, GRD Road, Kamarajar Road,
Red Fields, (Opposite Airforce Admin College)
Coimbatore-641 045.
3. The District Registrar,
1/529, Nerupperichal Village,
Pooluvapatti Post, Tirupur-641 602.
4. The Sub-Registrar,
Dharapuram Sub-Registrar Office,
67 Park Road, Taluk Office Campus,
Dharapuram-638 656.



WEB COPY



W.P.No.21575 of 2023

S.M.SUBRAMANIAM. J.,

(sha)

W.P.No.21575 of 2023

21.07.2023