



W.P.No.23047 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.23047 of 2023

K.Kannan

...Petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Salem District,
Salem.

2.The Additional District Administrative Officer cum
District Revenue Officer,
Civil Supplies and Consumer Protection Department,
Salem District.

3.The Tahsildar,
Office of the Tahsildar,
Edappadi,
Salem District.

..Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents 1 and 2 to consider the representation of the petitioner dated 20.12.2021 by receiving the fine amount of Rs.4,650/- and cancel the registration of the document registered in Doc.No.218/1987 before the Sub Registrar, Edappadi.



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For Petitioner : Mrs.Radhika Boopathi

For Respondents 1 : Mr.D.Ravichander,
Special Government Pleader

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 20.12.2021 by receiving the fine amount of Rs.4,650/- and cancel the registration of the document registered in document No.218/1987.

2. The very relief sought for in the present writ petition is misconceived, since the registering authority is not empowered to get the fine amount and release the document. Such a power has not been conferred under the provisions of the Registration Act.

3. If at all the property belonging to the father of the petitioner was attached in the year 1987, such attachment is to be lifted by following the procedure as contemplated under law. The fine amount is to be paid to the authorities concerned and thereafter, the authorities concerned has to give no objection for the purpose of lifting the attachment or otherwise. Thus, the



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procedure in this regard is to be followed for the purpose of cancelling the document.

4. The registering authority is not empowered to collect the fine amount and release the document and this being the factum, mere direction to consider the representation would do no service to the cause of justice and the litigant will be back again before this Court by filing another writ petition. Thus, the petitioner has to approach the competent authority for the purpose of payment of fine and release the property by following the procedures as contemplated.

5. With these clarifications, the writ petition stands dismissed. No costs.

07.08.2023

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Index: Yes
Speaking Order
Neutral Citation: Yes

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To

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S.M.SUBRAMANIAM, J.

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