



W.P.No.23999 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.23999 of 2023

A.Murugan

... Petitioner

Vs.

1. The District Registrar,
Office of Registration Department,
Chengalpet District.

2.The Sub-Registrar,
Thirupporur Registrar Office,
Chengalpet District.

3. A.Sulochana

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Write of Mandamus, directing the 1st and 2nd Respondents to consider petitioner's representation dated 04.08.2023 to cancel the pending document which was executed by the 3rd respondent P-163/2023 before the 2nd respondent.



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For Petitioner : Mr.T.Arul
For R1 & R2 : Mr.C.Jayaprakash
Government Advocate

ORDER

The relief sought for in the present writ petition is to direct the first and second respondents to consider the representation dated 14.08.2023 made by the petitioner to cancel the pending document, which was executed by the third respondent.

2. The grievances of the writ petitioner is that he is a co-owner in respect of the joint family property and the legal heirs have presented a document for registration fraudulently. Thus, the petitioner submitted a representation to cancel the pending document. Since it was not considered, the petitioner has chosen to file the present writ petition.

3. The prayer in the present writ petition reveals that the representation itself was submitted on 04.08.2023 and the writ petition was



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filed on 08.08.2023. Within a period of four (4) days from the date of submitting the representation, the petitioner has filed the present writ petition.

4. The document admittedly has not been registered by the Sub-Registrar. Therefore, Section 77-A of the Registration Act has no application. If at all the other legal heirs are attempting to alienate the property behind the back of the petitioner, he has to approach the competent civil court of law for the purpose of establishing his right. The registering authority has no powers under the Registration Act to deal with such complaints submitted in the form of representation even before the registration of document.

5. In the present case, the Sub-Registrar issued notice to the parties on 28.07.2023, which is in violation of the provisions of the Registration Act. The Sub-Registrar has no powers to conduct an enquiry in respect of such disputes of civil nature and the notice itself is untenable. Thus, the



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petitioner is not entitled for the relief, as such, sought for in the present writ petition. Mere direction to consider the representation would do no service to the cause of justice.

6. In view of the same, the writ petition stands dismissed. No costs.

16.08.2023

skr

Index : Yes

Speaking order

Neutral Citation : Yes

To

1. The District Registrar,
Office of Registration Department,
Chengalpet District.
2. The Sub-Registrar,
Thirupporur Registrar Office,
Chengalpet District.



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S.M.SUBRAMANIAM, J.

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