



WEB COPY



W.P.No.23993 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.23993 of 2023

K.Rathinavel.

... Petitioner

Vs.

1. The Sub Registrar,
Rasipuram, Rasipuram Taluk,
Namakkal District.

2. Dhanalakshmi

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent not to register any documents to be presented by the 2nd respondent in respect of the property in Patta No. 49 in S.Nos. 107/2A1, 2A2 an total extent of 2 Hector 1.50 Acres situated at Konnavelampatty Village, Rasipuram Taluk, Namakkal District of more fully mentioned in the schedule of property in A.S.No. 45 of 2018, pending on the file of Fast Track Mahila court at Namakkal, till the disposal of the said Appeal suit based on the representation dated 11.10.2022 made by the petitioner within a reasonable time.

For Petitioner : Mr.S.Varanesh

For R1 : Mr.P.Sanjay Gandhi
Government Advocate



W.P.No.23993 of 2023

ORDER

WEB COPY

The relief sought for in the present writ petition is to direct the first respondent not to register any document to be presented by the second respondent in respect of the property in Patta No. 49 in S.Nos. 107/2A1, 2A2 an total extent of 2 Hector 1.50 Ares situated at Konnavelampatty Village, Rasipuram Taluk, Namakkal District, more fully mentioned in the schedule of property in A.S.No.45 of 2018, pending on the file of Fast Track Mahila court at Namakkal, till the disposal of the said Appeal suit based on the representation dated 11.10.2022 made by the petitioner.

2. The learned counsel for the petitioner states that the Civil Suit for partition was instituted between the parties in O.S.No.105 of 2010. The preliminary decree was passed in the Partition Suit and challenging the same, an Appeal Suit was instituted in A.S.No.45 of 2018, which is pending. The apprehension of the petitioner is that the second respondent is attempting to alienate the property during the pendency of the Appeal Suit.

3. Private objections submitted in this regard are not entertainable under the provisions of the Registration Act by the registering authority. If at all the



W.P.No.23993 of 2023

petitioner is willing to prevent the second respondent from alienating the property, he has to obtain an order from the competent civil court of law in a pending Suit or otherwise. However, the Sub-Registrar cannot entertain such private objections from the persons for not to register the documents, if presented by any person for registration.

4. In view of the facts and circumstances, the petitioner is at liberty to approach the competent Civil Court of law for the purpose of redressing his grievances in the manner known to law.

5. With these observations, the writ petition stands dismissed.

No costs.

16.08.2023

skr

Index : Yes

Speaking order



WEB COPY



W.P.No.23993 of 2023

S.M.SUBRAMANIAM, J.

skr

To

The Sub Registrar,
Rasipuram, Rasipuram Taluk,
Namakkal District.

W.P.No.23993 of 2023

16.08.2023