



WEB COPY



W.P.No.34987 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.06.2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.34987 of 2022

R.Devadoss

... Petitioner

Vs.

- 1.The Sub-Registrar
Guduvancherry
Nellikuppam Road,
Nandivaram,
Guduvancherry - 603202.
- 2.The Sub-Registrar,
Tambaram
Combined Sub-Registrars Office,
SH-49, Sabai Colony, Chembakkam
Rajakilpakkam, Chennai-600073.
- 3.The District Registrar,
Chennai South, Fanpet,
Nandanam, Chennai-600035.
- 4.The Member Secretary
Chennai Metropolitan Development Authority
No.1, Gandhi Irwin Road,
Egmore, Chennai-600008.
- 5.Sivashankar Real Assest Pvt. Ltd.,
Rep. by its Managing director,
A. Sivashnkar,
No.1/460, Mount-Poonamalee Road,



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Ayyappanthangal,
Chennai-600056.

6.A.T.Viswanathan

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, directing the respondents 1 to 3 not to register any sale deed conveyance deed on the lands in S.No.22,26/2A1, 26/2A2, 26/2A3, 27/1, 27/2, 27/3, 28/1, 28/2, 28/3 and 31/2, 31/1A2B and 31/4 of Nedunkundram village, Vandaloor Taluk, vide 4th respondent's lay out approval Nos.PPD 56/2019, PPD 68/2021 and PPD 60/2022 by considering the Petitioner's representation dated 14.09.2022.

For Petitioner	: Mr.K.M.Balaji
For Respondents	:
(for R1 to R3)	: Mr.T.Arunkumar, AGP
(for R.4)	: No Appearance
(for R.5)	: Mr.K.Balu
(for R.6)	: Not ready in notice.

ORDER

The relief sought in the present writ petition is to direct the respondents 1 to 3 not to register any sale deed conveyance deed on the lands in S.No.22,26/2A1, 26/2A2, 26/2A3, 27/1, 27/2, 27/3, 28/1, 28/2, 28/3 and 31/2, 31/1A2B and 31/4 of Nedunkundram village, Vandaloor Taluk.



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2.The relief as such sought for in the present writ petition deserves no merit consideration since the powers conferred under the registering authority to register a document under the provisions of the Registration Act cannot be curbed in the absence of any valid reason.

3.The registering authority is empowered to receive documents and register the same by following the procedures as contemplated. Therefore, such a relief as such sought for, to direct the respondents 1 to 3, not to register any sale deed conveyance deed, cannot be granted by this Court in a writ proceedings.

4.The learned counsel for the petitioner made a submission that a direction may be issued to consider the representation. Even for issuance of such a direction, the petitioner has to establish a right and in the absence of any such right, the direction of that nature would do no service to the cause of justice.

5.The learned counsel for the contesting respondents brought to the notice of this Court that a Civil Suit has been instituted by the petitioner in O.S.No.167 of 2019 and the respondents filed O.S.No.77 of 2019. Both the



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suits instituted are pending before the competent Civil Court. Thus, any interim relief, if necessary, is to be prayed before the competent Civil Court by filing an interlocutory application or otherwise. Contrarily, writ Court cannot consider any such relief as not to register any document and therefore, the parties are at liberty to pursue their remedy in the Civil Suit instituted by both the parties.

6. Accordingly, the writ petition stands **disposed of**. No costs.

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

02.06.2023

To



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S.M.SUBRAMANIAM. J.,

(sha)

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