



WEB COPY

W.A.No.865 of 2



THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

W.A.No. 865 of 2023
and
C.M.P.No. 8449 of 2023

R.Soundrarajan

...Appellant

Vs.

1.The Inspector General of Registration,
Santhome High Road, Chennai - 600 028.

2.The Sub-Registrar,
Red Hills, Chennai - 600 052.

3.B.Kalyani @ Nithiyakalayani

4.K.Babu

5.B.Velmurugan

6.B.Saravanan

7.B.Vadivelu

8.K.N.Gunasekaran

9.The Thurukkan Chatram Trust,
Rep. by its Trustee,
Naravarikuppam, Red Hills,
Chennai - 600 052.

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10. The Tamil Nadu Wakf Board,
Rep. by its Principal Executive Officer,
1, Jaffer Serigh Street,
Vallal Seethakadhi Nagar,
Chennai - 600 001.

11. The Tahsildar,
Madhavaram, Chennai - 600 060.

...Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, against the order dated 01.12.2022 made in W.P.No. 31442 of 2015.

For Appellant : Mr.B.Dinesh Kumar

For Respondents : Mr.L.S.M.Hasan Fizal

Additional Govt. Pleader for R1 & R2

Mr.A.Selvendran

Special Govt. Pleader for R1

Mr.K.S.Sundar for R3 to R8

Mr.I.Koser Nissar for R9

R10 - Served - No Appearance

J U D G M E N T

(Judgment of the Court was made by R.SUBRAMANIAN, J.)

This frivolous appeal is filed by the petitioner in W.P.No.31442 of 2015 challenging the dismissal of his Writ Petition which were filed with the fancy prayer seeking a mandamus forbearing the respondents 1 & 2 from

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registering the sale deed presented by the respondents 3 to 7 executed in favour of the 8th respondent kept as pending document.

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2. The appellant who claims to be the grandson of one Ammakannu Ammal @ Alamelu Ammal who was the original owner of the property, according to the respondents, challenges the settlement deed by Ammakannu Ammal @ Alamelu Ammal dated 10.12.1997 in favour of the 3rd respondent on the ground that before executing the settlement deed in favour of the 3rd respondent the said Ammakannu ammal @ Alamelu Ammal executed a Power of Attorney in favour of the petitioner and also entered into an agreement of sale with the petitioner after receiving valuable consideration.

3. It is also claimed that the 3rd respondent had filed a suit for permanent injunction against the petitioner and the said suit was decreed and an appeal filed against the decree was also dismissed resulting in a second appeal being filed in this Court, which is pending in S.A.No.1165 of 2013. Only in order to prevent registration of instrument, the petitioner / appellant had given an objection to the Registrar. The Registrar, fortunately



and rightly informed the petitioner that unless there is an order of Court restraining alienation, there is no provision in the Registration Act to refuse registration.

4. The main argument that was projected before the Writ Court was that since the dispute regarding title to the property is pending, the document should not be registered. The Writ Court had gone into the issue and held that though the properties stood in the name of the Waqf, the lessee was permitted to put up super structures and the building belonged to her. The Writ Court also referred to the judgment of this Court in ***Sudha Ravi Kumar and Another Vs. The Special Commissioner, HR & CE Department and Others*** reported in ***2017 (2) LW 637*** where, the scope of Section 22-A of the Registration Act was considered by this Court. After extracting the relevant portion of the judgment, the learned Judge concluded that the Registrar was right in rejecting the objections.

5. When the Act does not provide for refusal for registration of document, except under certain circumstances, this Court cannot issue a mandamus forbearing the Registrar from registering instruments which are



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presented for registration. Hence, we do not see any merit in the appeal.

This Writ Appeal fails and it is accordingly, dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

(R.S.M., J.) (R.S.V., J.)
29.07.2024

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Internet: Yes

Index: No

Speaking

Neutral Citation : No

To:-

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