



WEB COPY



W.P. No.8518 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.04.2024

CORAM:

THE HONOURABLE MR.JUSTICE **N. SATHISH KUMAR**

W.P. No.8518 of 2024 and
W.M.P. No.9467 of 2024

1.B.Sivaraman
2.Gunabooshnam
3.B.Sridhar
4.Shakeela

. . Petitioners

Vs

1.The Sub Registrar
Thiruporur Sub Registrar Office
29, South Mada Street
Thiruporur 603 110

2.S.Dhatchayani

3.M.Usha Bai

4.R.Mohana

5.N.S.Shanmugam

6.L.Sarala

7.D.Sasi

8.B.Muralidhar @ Muraliraj

9.V.Vinoth Kumar

10.T.Sridharan

. . Respondents



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PRAYER: Writ petition filed under Article 226 of the Constitution of India for issuance of a writ of certiorarified mandamus calling for records in Na.Ka. No.329/2024 dated 15.03.2024 on the file of the 1st respondent and quash the same and consequently direct the 1st respondent not to entertain any further documents executed by the private respondents or anyone claiming under them in respect of the land at No.4, Nellikuppam Village, Thiruporur Taluk, Chengalpattu District, comprised in Survey Nos.274/1 consisting of 72 Cents, 275/1 consisting of 39 cents, 275/2 consisting of 33 Cents, 275/3 consisting of 29 Cents, 276/6 consisting of 52 Cents, bearing Patta No.162 in all total extent of Acre 2.25 Cents.

For Petitioner : Mr.S.Mannarsamy

For Respondents : Mr.Yogesh Kannadasan, Spl. GP for R1

ORDER

Challenge has been made in the writ petition to the proceedings of the first respondent in Na.Ka. No.329/2024 dated 15.03.2024 rejecting the protest petition filed by the petitioners.

2. The grievance of the petitioners is that there is a civil suit pending between the private respondents and the writ petitioners in respect of legal heirs. However, the private respondents 2 to 7 have



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executed a Power of Attorney in favour of the 9th respondent for sale of the property. In this regard the first petitioner has filed a petition, namely the protest application. However, the same has been rejected, challenging the same, the present writ petition has been filed.

3. At the outset, this court is of the view that, if any person is entitled to deal with a property, can certainly deal with the property. Just by filing mere protest petition, one cannot stall the registration. If at all the writ petitioners have any right over the property, the remedy lies before the concerned civil court and not by way of a writ petition, particularly, when there is no such authority on the Register Office to prevent such transaction. In such view of the matter, the rejection order passed by the first respondent does not require any interference. He cannot refuse the document presented for registration, merely on the ground that the petitioners have filed a protest petition. It is open to the petitioners to establish their right over the property in a civil suit.

4. Accordingly, the writ petition is dismissed. No costs. Consequently, the connected writ miscellaneous petition is closed.

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Index : Yes / No



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Speaking/non speaking order
Neutral Citation : Yes/No
Asr

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N. SATHISH KUMAR, J.

Asr

To

1.The Sub Registrar
Thiruporur Sub Registrar Office
29, South Mada Street
Thiruporur 603 110

2.The Government Pleader
High Court, Madras

W.P. No.8518 of 2024 and
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