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C.M.A.No.17 of 2



THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.06.2024

CORAM:

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

W.A.No.1644 of 2024
and
C.M.P.Nos.11553 & 11557 of 2024

A.Razalikhan

...Appellant

Vs.

1.Nurselvi

2.Government of Union Territory of Puducherry,
Represented by its Chief Secretary,
Goubert Avenue, Puducherry – 605 001.

3.The District Registrar,
Registration Department Puducherry,
Puducherry.

4.The Sub-Registrar,
Villianur,
Puducherry – 605 110.

...Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent, to set aside the
impugned order dated 26.04.2024 passed in W.P.No.9551 of 2024.



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For Appellant : Mr.Ravi Seshadri, Senior Counsel
For Mr.S.T.Bharath Gowtham
For Respondents : Mr.Sharath Chandran

J U D G M E N T

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

The appellant is attempting to invoke the power of the writ Court to thrash out an issue of title between him and the 1st respondent.

2. The dispute is foreign to the very scope of the proceeding under the Registration Act. Though a reference is made to Rule 54 of the Pondicherry Registration Rules, 1969, a reading of Rule 54 does not appear to empower the registering Authority to decide the question of title. Therefore, the very concept of protest petition being filed before the registering officer is unknown to law, except where it relates to any one of the matters enumerated in sub-Rule (a) to (e) of Rule 55. Rule 55 of the Pondicherry Registration Rules reads as follows:-

55. The Registering Officer shall consider objections raised on any of the grounds stated below:



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- (a)that the parties appearing or about to appear before him are not the persons they profess to be;*
- (b)that the document is forged;*
- (c)that the person appearing as a representative, assign or agent, has no right to appear in that capacity;*
- (d)that the executing party is not really dead, as alleged by the party applying for registration; or*
- (e)that the executing party is a minor or an idiot or a lunatic.*

3. A reading of the above Rule would show that the question of title cannot be made an issue before the Registering Authority. Hence, we do not find that the appellant has a *locus standi* to make a protest petition and make it an issue in the writ petition filed by the respondent seeking a mandamus to register the gift deed executed by her in favour of the Panchayat.

4. Mr.Ravi Seshadri, learned Senior Counsel appearing for the appellant would contend that there are certain observations made by the writ Court against the appellant.



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5. We make it clear that those observations will not be put against the appellant, if he is to invoke appropriate remedy available to him under the general civil law.

6. The writ appeal is **dismissed** with the above observations. No costs. Consequently, the connected miscellaneous petitions are closed.

(R.S.M., J.) (R.S.V., J.)
07.06.2024

dsa

Internet : Yes / No

Index : Yes / No

Neutral Citation : Yes / No

Speaking order / Non-speaking order



To:-

C.M.A.No.17 of 2



- 1.The Chief Secretary,
Government of Union Territory of Puducherry,
Goubert Avenue, Puducherry – 605 001.
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Puducherry.
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R.SUBRAMANIAN, J.
and
R.SAKTHIVEL, J.

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