



WEB COPY



WP.No.18910 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.18910 of 2024

M.Aththayee

.. Petitioner

Versus

1. The Inspector General of Registration,
100, Santhome High Road, Mullima Nagar, Mandavelipakkam,
Raja Annamalai Puram, Chennai – 28.
2. The District Registrar,
Office of the District Registrar, Kallakurichi District.
3. The Sub Registrar,
Chinna Salem, Kallakurichi District.
4. A.Sengodan
5. N.Chitra
6. G.Jayalakshmi
7. K.Shankar

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings proceeding issued by the third respondent dated 05.04.2024 vide Na.Ka.No.153/2024 as illegal and consequently direct the third respondent not to register the document presented by the petitioner's father.



WP.No.18910 of 2024

For Petitioner : Mr.M.Muruga Bharathi

For Respondents : Mr.M.Shajahan
Special Government Pleader

WEB COPY

ORDER

Since no adverse Order has been passed against the respondents 4 to 7, notice to them is dispensed with. With the consent of both sides, this Writ Petition is taken up for final disposal at the admission stage itself.

2. This Writ Petition is filed to quash the impugned proceeding issued by the third respondent dated 05.04.2024 vide Na.Ka.No.153/2024 as illegal and consequently direct the third respondent not to register the document presented by the petitioner's father.

3. Heard learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents 1 to 3 and perused the materials available on record.

4. The case of the petitioner is that he gave a petition before the authorities claiming right over the immovable property. However, the District



WP.No.18910 of 2024

Registrar has passed an Order stating that since the petitioner has already got the property from the joint family and the suit is also pending in O.S.No.771 of 2023, the protest petition cannot be entertained. Challenging the same the present Writ Petition has been filed.

5. The very complaint of the petitioner before the authorities indicate that the petitioner is infact claiming right in the immovable property. Admittedly, suit in O.S.No.771 of 2023 is pending as per the impugned Order, which is also not disputed by the writ petitioner. Therefore, at this stage, the Sub Registrar or the District Registrar cannot decide the title on the basis of the protest petition. Hence, I do not find any merits in this Writ Petition.

6. Accordingly, this Writ Petition is dismissed. No costs.

18.07.2024

vrc

Index :Yes/No

Internet :Yes/No

Neutral Citation : Yes/No



WP.No.18910 of 2024

To,

1. The Inspector General of Registration,
100, Santhome High Road, Mullima Nagar, Mandavelipakkam,
Raja Annamalai Puram, Chennai – 28.
2. The District Registrar,
Office of the District Registrar, Kallakurichi District.
3. The Sub Registrar,
Chinna Salem, Kallakurichi District.



WEB COPY



WP.No.18910 of 2024

N. SATHISH KUMAR, J.

vrc

W.P.No.18910 of 2024

18.07.2024