



WEB COPY



W.P.No.24837 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2024

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.24837 of 2024

S.Babu

... Petitioner

VS.

1.The District Registrar,
Chennai South,
Integrated Building for Officers of the
Commercial Taxes and Registration Department,
Fanepet, Nandhanam,
Chennai – 600 035.

2.The Sub Registrar,
Neelangarai,
Chennai.

3.G.Andal
4.G.Boopalan
5.K.A.Ramesh

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ in the nature of Mandamus, to direct the respondent to register the protest letter in the Encumbrance Certificate with respect to the property being a vacant land comprised in S.No.388/3, measuring an extent of 0.17 cents at Okkiam Thoraipakkam Village, Sholinganallur Taluk, Chennai District.



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For Petitioner : Mr.G.S.Anand

For Respondent : Mr.M.Shahjahan
Special Government Pleader
for R1 and R2

ORDER

The petitioner seeks a direction to the second respondent to register the protest letter in respect of the property comprised in S.No.388/3, measuring 17 cents at Okkiam Thoraipakkam Village, Sholinganallur Taluk, Chennai District.

2. According to the petitioner, the above mentioned property originally belonged to his grandfather viz., P.Andi Naicker and after his death, the petitioner has been in a possession and enjoyment of the same.

3. It is also stated that the petitioner filed a Civil Suit in O.S.No.230 of 2023 before the Civil Court at Alandur and the same is pending. The protest petition has been filed by the petitioner before the second respondent on the apprehension of the 3rd parties are attempting to register forged document. The petitioner seeks a direction to the second



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respondent to register the protest petition filed by him in respect of the above mentioned land.

4. Admittedly, the suit filed by the petitioner to establish his right in respect of the above said property is pending before the Civil Court. This writ petition is filed on the apprehension that some third parties are likely to make an attempt to register the document in respect of the above mentioned property. The Civil Suit is already pending before the Civil Court at Alandur. It is open to the petitioner to workout his remedy before the Civil Court. Hence, this Court is not inclined to issue a direction to the second respondent to register the protest petition filed by him.

5. Accordingly, this writ petition is dismissed with liberty to the petitioner to workout his remedy before the Civil Court.. No costs.

29.08.2024

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
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To

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S.SOUNTHAR, J.



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