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W.P.No.28633 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2024

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.28633 of 2024

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... Petitioner

VS.

1. Inspector General of Registration,
Inspector General of Registration Office,
Santhome,
Chennai.
2. Additional Inspector General of Registration
Additional Inspector General of Registration,
Cuddalore.
3. The District Registrar,
District Registrar office,
Kallakurichi District.
4. The Sub Registrar,
Office of Sub Registrar at Rishivandiyam,
Kallakurichi District.

5. Sambath

... Respondents



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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the Respondents 1 to 4 to consider the representation dated 22.02.2024 for the request of issuing stay to not to do any further registration regarding the subject property until contestation of Appeal suit is completed within the time frame fixed by this Court.

For Petitioner : No Appearance

For R1 to R4 : Mr.P.Harish
Government Advocate

ORDER

When the writ petition is taken up for hearing, there is no representation for the petitioner.

2. The petitioner herein seeks a direction to the respondents 1 to 4 to consider his representation dated 22.02.2024 requesting the respondents not to register any documents in respect of the property comprised in Survey Nos.205/21-0.60, 212/30-0.60, 212/6C-0.36, 212/2A-0.17, 212/2F-0.26, 212/20-0.06, 212/20-0.14, 212/25-0.49, 49/3-3.30, 49/3-0.14, 15/8-1.58, 26/5-0.53, 28/1-1.06, 28/12C-0.70, 29/12-0.51, 29/13-0.66, 29/16-1.10,



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6/2-0.52 and 6/3A-0.66 situated in Odiyenthal Village, Sankarapuram Taluk, Kallakurichi District.

3. It is seen from the affidavit filed in support of the writ petition that the petitioner filed a suit seeking partition of the above mentioned property in O.S.No.70 of 2014 on the file of the Principal District Munsif Court, Sankarapuram and the said suit was dismissed. Aggrieved by the same, the petitioner filed an appeal on the file of the Principal Sub Court, Kallakurichi in A.S.No.8 of 2016 and the same is pending. In the meantime, the petitioner submitted a representation dated 22.02.2024 before the respondents 1 to 4 requesting them not to register any document pertains to the subject matter of the litigation pending disposal of the appeal.

4. The petitioner is not entitled to make an omnibus request before the Registering Authority not to register any document for registration pertains to the above mentioned property especially when a civil litigation is pending before the Competent Authority. It is open to the petitioner to seek appropriate interim relief against alienation before the Civil Court in the pending appeal.



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5. The petitioner is not entitled to seek any direction to Registering

Authority not to register the document presented for registration. The

Registering Authority cannot be restrained from exercising their statutory

duty of registration. Therefore, the Writ Petition is dismissed. It is open to

the petitioner to workout his remedy before the Civil Court. No costs.

30.09.2024

Index : Yes/No

Speaking order: Yes/No

Neutral Citation: Yes/No

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S.SOUNTHAR, J.

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