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W..P.No. 30415 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.11.2024

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 30415 of 2024

Chinnathai

... Petitioner

V.s

1. The District Registrar
Thirupathur District
Thirupathur

2. The Sub-Registrar,
Thirupathur Joint-II
Thirupathur

3. Kalyani

4. Chinnappa

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking Writ of Certiorarified Mandamus to call for the records pertaining to the proceedings of the 2nd respondent in protest petition No.46/2024 dated 24.09/2024 and to quash the same as illegal,



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incompetent and ultra vires and consequently direct the 2nd respondents not to register any documents in respect of Patta No. 981 in Survey No. 470/2A1, Pommikuppam Village, Thirupathur Taluk and District by considering the petitioner's Protest Petition dated 24.09.2024.

For Petitioner : Mr.R.Dhansekar
For Respondent 1 & 2 : Mr.P.Harish
Government Advocate

ORDER

This Writ Petition is filed for the following relief:

“To issue a writ of Certiorarified Mandamus to call for the records pertaining to the proceedings of the 2nd respondent in protest petition No.46/2024 dated 24.09/2024 and to quash the same as illegal, incompetent and ultra vires and consequently direct the 2nd respondents not to register any documents in respect of Patta No. 981 in Survey No. 470/2A1, Pommikuppam Village, Thirupathur Taluk and District by considering



the petitioner's Protest Petition dated 24.09.2024.

2. In paragraph 6 of the counter affidavit filed by the second respondent, the following statement has been made:

“6. With regard to Para 7 of the affidavit, it is submitted that the protest petition dated 24.9.2024 of the petitioner has been duly registered online on 24.9.2024 itself and if any document is presented for registration, such document will not be registered unless an enquiry is conducted and orders passed. However, the impugned order was issued to the Petitioner to get remedy of injunction restraining the Respondents from registering the documents by the Civil Court as this Respondent has no authority to prevent the presentation of document by the Respondents 3 & 4. The Respondents 3 & 4 have not presented any document for registration till date and if any document is presented by the Respondents 3 & 4, the same will be kept pending and an enquiry will be held, both the parties will be heard and the document will be either registered or refused



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in accordance with law. ”

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3. The Writ Petition is disposed of in lines of paragraph 6 of the counter affidavit filed by the 2nd respondent. Since the protest petition submitted by the petitioner has been received by the respondents, they shall not register any document without holding an enquiry as undertaken by them in the counter affidavit. There shall be no order as to costs.

08.11.2024

Index: Yes/No
Speaking order/non-speaking order
Neutral Citation: Yes/No
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To,
1. The District Registrar
Thirupathur District, Thirupathur

2. The Sub-Registrar,
Thirupathur Joint-II, Thirupathur



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P.T.ASHA, J.,

srn

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