



W.P(MD)No.20191 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.07.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.20191 of 2022

1.Manickam (died)

2.Kalaiselvi

3.Vanitha

4.Gopinath

(P2 to P4 are substituted vide order
dated 03.02.2023 by GRSJ)

... Petitioners

Vs.

1.The Inspector General of Registration,
Office of the Inspector General of Registration,
No.120, Santhome High Road,
Chennai-600 028.

2.The District Registrar (Administration),
Office of the Registration Department,
Thanjavur,
Thanjavur District.

3.The Sub Registrar,
Sub Registrar's Office,
Registration Department,
Thirukkattupalli,
Thanjavur District.

4.Balasubramanian

5.P.Ram Prakash

... Respondents



W.P(MD)No.20191 of 2022

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the Respondents No.2 and 3 to receive and register pending documents No.41 to 44 of 1990, handing over the registered sale deeds to the Petitioner.

For Petitioners : Mr.M.V.Venkateseshan

For Respondents : Mr.R.Ragavendran
Government Advocate for R1 to R3

ORDER

Heard both sides.

2. One Manickam S/o.Govindasamy filed this writ petition for registering the sale deed dated 22.06.1990 executed by the fourth respondent herein. There is some discrepancy between the writ prayer and what is actually sought. During the pendency of the writ petition, Manickam passed away and his legal heirs have come on record. I directed the respondents 2 & 3 to produce the original papers. Direction has been complied with. It is seen therefrom that the fourth respondent herein had affixed his signature in the sale deed dated 22.06.1990 executed in favour of Manickam. The document was however not presented by Balasubramanian. It was presented only by Manickam. The stand of Balasubramanian was that he had not executed the document. He however



W.P(MD)No.20191 of 2022

admits his signature found in the document. From the endorsement found in the document, I note that registration was refused by the Sub Registrar on 04.10.1990 itself. Manickam appears to have preferred an appeal before the District Registrar. The District Registrar also rejected the appeal on 05.11.1990. Manickam does not appear to have done anything thereafter. The stand of Balasubramanian was that the subject property covered in the said document is a Trust property and not individual property and that he had no right to alienate the same. It appears that some suits have also been filed. Be that as it may, in the year 2017, a representation was given before the District Registrar, Thanjavur. Enquiry was conducted. Manickam as well as Balasubramanian gave statements. No final order appears to have been passed. At this stage, the writ petition came to be filed in the year 2022.

3. I am not in a position to grant relief for the simple reason that the very premise on which the writ petition has been filed is erroneous. Manickam was under the impression that the document is a pending document. It is not so. Registration was refused at the very inception. The appellate authority also declined to interfere in the matter. Therefore, the only remedy open to Manickam was to file a suit under Section 77 of the Registration Act. He did not do so. Manickam could have sought compulsory registration through court



W.P(MD)No.20191 of 2022

process. Having failed to do so in the year 1991, it is too late in the day to invoke the jurisdiction of the writ court. The writ petition suffers from laches.

I however direct the second respondent to return the original papers to the petitioners herein so that the petitioners can work out their rights in the manner known to law.

4. The Writ Petition is disposed of accordingly. No costs.

09.07.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
rmi

To

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W.P(MD)No.20191 of 2022

G.R.SWAMINATHAN, J.

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W.P(MD)No.20191 of 2022

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