

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.1.2016

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH

W.P.No.9064 and
W.P.No.11441 of 2014 & M.P.No.1/14

A.Annammal

... Petitioner in W.P.No.9064/14

vs.

1. The Joint-I Sub Registrar,
Sub Registrar Office,
Rottikara Street,
Tindivanam,
Villupuram District.

2. R.Keerthivarman ... Respondents in
W.P.No.9064/14
(2nd respodent impleaded as per order dated 25.1.2016
in M.P.No.1/15 in W.P.No.9064/14)

1.R.Radhabaiammal (deceased)
2.R.Kaminidevi
3.R.Keerthivarman
4.R.Prithivirajan
5.R.Kanagaraj
6.R.Balasubramanian
7.Muralidharan
8.R.Sumathi
9.P.Munusamy
10.Minor.Divya ... Petitioners in W.P.No.11441/14
(P.2 to P.10 substituted as legal representatives in the place of
the deceased petitioner as per order dated 11.09.14 in M.P.No.4/14
in W.P.No.11441/14.)

vs.

1. The Inspector General of Registration,
Santhome, Chennai- 600 004.

2. The District Registrar,
Rottikara Street,
Tindivanam, Villupuram District.

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3.Sub Registrar No.I,
Rottikara Street,
Tindivanam, Villupuram District.

4. R.Murugan

5. R.Ravikumar

6. A.Annammal .. Respondents in W.P.No.11441/14
(R4 to R6 impleaded as per order dated 11.09.14 in M.P.No.2/14 in
W.P.No.11441/14)

Prayer in 9064/14: Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondent to register the document dated 15.3.2014 (pending D.No.22/2014) presented by the petitioner in respect of property in Survey No.63/1 53-13 total an extent of 1,788 sq.ft vacant land and 1584 sq.ft. tiled house in Door No.12 and 13, situated at Vaniya Pilliar Koil Street, Tindivanam Village & Taluk, Villupuram District.

Prayer in 11441/14: Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the Respondents 1 and 2 to issue appropriate instructions to the 3rd Respondent Sub - Registrar No.1 Prohibiting the Registration of any document of sale covering this property 12 and 13 V.P.Koil Street Tindivanam on the basis of incomplete instrument received as Document P.No.22 / 2014 dt.15.03.2013 submitted by Vatchala (now deceased) on the ground of illegality and violation of statutory provisions.

For Petitioner
in W.P.No.9064/14 ... Mr.AR.L.Sundaresan Sr. Counsel
for Mrs.A.L.Ganthimathi

For R1 in
W.P.No.9064/14 .. Mrs.P.Rajalakshmi,
Govt. Advocate

For R2 .. Mr.R. Chellappa

For Petitioners in
W.P.No.11441/14 ... Mr.G.Veerapathiran

For R1 to R3
in W.P.No.11441/14 .. Mrs. P.Rajalakshmi
For R4 to R6 .. No appearance

COMMON ORDER

As the issues involved in both the writ petitions are one and the same, they have been taken up and disposed of by a common order

2. One Angammal purchased the property in the year 1943. A suit was filed for recovery of money by one Dakshinamurthy Chettiar in O.S.No.374 of 1967 on the file of District Munsif Court, Tindivanam against the daughter of said Angammal by name RadhabaiAmmal. The suit was decreed on 19.12.1967. The plaintiff purchased the property and obtained the sale certificate through Court on 21.04.1969. Delivery was ordered on 24.11.1975. The said Dakshinamurthy Chettiar is stated to have taken possession through Court on 08.07.1976.

3. Thereafter, proceedings under Section 145 of Code of Criminal Procedure Code have been initiated. The Sub Collector passed an order directing Dakshinamurthy Chettiar to be put in possession. It was challenged before this Court in CrI.R.C.No.310 of 1977 which was also dismissed. Accordingly, possession was ordered to be delivered by Sub Collector on 27.08.1979.

4. Dakshinamurthy Chettiar filed a suit in O.S.No.32 of 1984 which has been renumbered as O.S.No. 464 of 2009 which is unfortunately still pending as a revision has been filed against the application filed under Order VII Rule 11 CPC in C.R.P.No. 325 of 2013 in which interim order is granted and the same is pending.

5. It appears that the legal heirs of RadhabaiAmmal, namely the petitioner in W.P.No.11441 of 2014 have executed the sale agreement in favour of one Suresh Kumar. The legal heirs of Dakshinamurthy Chettiar being the auction purchaser in the Court auction sale sold the property to the petitioner in W.P.No.9064 of 2014. Seeking to register the said document, the petitioner in W.P.No.9064 of 2014 has come before this Court. Seeking a direction to respondents 1 and 2 to issue appropriate instructions to 3rd respondent not to register the said document, W.P.No.11441 of 2014 has been filed.

6. From the above said facts, it is clear that the petitioner in W.P.No.11441 of 2014 cannot seek the prayer sought for prohibiting the registration of sale. If the said petitioner is of the view that she continues to hold the title despite the decree followed by subsequent orders of this Court, remedy to her lies elsewhere. Merely, because the predecessor-in-title of the petitioner in W.P.No.9064 of 2014 has filed a subsequent suit, the same will not give a right to petitioner in W.P.No.11441 of 2014 to seek the prayer sought for.

7. The official respondents are not concerned with the inter se dispute. There is no statutory duty imposed upon the official respondents to act as sought for by the petitioner in W.P.No.11441 of 2014 as the dispute sought to be raised is a private one between the parties concerned. Accordingly, W.P.No.11441 of 2014 is dismissed and consequently, W.P.No.9064 of 2014 is ordered. However, this order will not stand in the way of the petitioner in W.P.No.11441 of 2014 in seeking appropriate relief before the Civil Court, if she is so advised. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-

Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

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To

1. The Joint-I Sub Registrar,
Sub Registrar Office,
Rottikara Street,
Tindivanam,
Villupuram District.

2. The Inspector General of Registration,
Santhome, Chennai- 600 004.

3. The District Registrar,
Rottikara Street,
Tindivanam, Villupuram District.

4. Sub Registrar No.I,
Rottikara Street,
Tindivanam, Villupuram District.

2 ccs to M/s.AL. Gandhimathi, Advocate, Sr. 4514, 4515

2 ccs to M/s.G. Veerapathiran, Advocate, Sr. 4345

W.P.No.9064 and
W.P.No.11441 of 2014

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