

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.8011 of 2016

Mrs.Latha

... Petitioner

Vs.

1.The Sub-Registrar,
Office of sub-Registrar,
No.246, New Military Road,
Avadi, Chennai-600 054.

2.Mr.Subramani

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the 1st respondent not to register any document that may be submitted by the 2nd respondent for the purpose of alienating or creating encumbrance in respect of the property situated in No.3, Pandeswaram Village, Thiruvallur Revenue District, Ayan Nanjai S.No.76/3 bearing a patta No.166, Chennai.

For Petitioner : Mr.T.Annaamalai

For respondents : Mr.V.Jayaprakash Narayanan, Spl.GP.

(For R1)

ORDER

This writ petition has been filed by the petitioner praying for issuance of a Writ of Mandamus, directing the 1st respondent not to register any document that may be submitted by the 2nd respondent for the purpose of alienating or creating encumbrance in respect of the property situated in No.3, Pandeswaram Village, Thiruvallur Revenue District, Ayan Nanjai S.No.76/3 bearing a patta No.166, Chennai.

2.In the affidavit filed in support of the writ petition, it has been averred by the petitioner as follows:-

2-1.The petitioner purchased an agricultural land totally measuring to an extent of 38 cents, from the 2nd respondent, in and by a sale deed dated 04.07.2005 registered as Doc.No.3786 of 2005 on the file of the Sub-Registrar Office at Avadi, for a valid consideration. The said property is situated in No.3, Pandeswaram Village, Thiruvallur Revenue District, Ayan Nanjai S.No.76/3 bearing a patta No.166. The said property was actually derived by the 2nd respondent from

his father Mr.Munusamy, who died on 02.05.1997. When the 2nd respondent's father was alive, he separated the property as two parts to his two sons viz., one Selvaraj and Subramani (2nd respondent herein). While the petitioner was looking for purchasing land, the 2nd respondent approached the petitioner and offered to sell the above said property. Accordingly, the petitioner purchased the said property vide Sale Deed dated 04.07.2005 from the 2nd respondent. **(*)Later, the petitioner received a legal notice from the 2nd respondent's family member calling upon her to amicably petition the property.(**)** Further, a suit in O.S.No.232 of 2007 has also been filed by the family members of the 2nd respondent, praying for partition of the property.

2-2.Hence, the petitioner has filed the present writ petition praying to direct the 1st respondent not to register any document that may be submitted by the 2nd respondent in respect of the subject property.

3.Heard both sides and perused the materials available on record.

4.The present writ petition has been filed by the petitioner seeking a direction to the 1st respondent not to register any document which may be submitted by the 2nd respondent in respect of the subject property. But, considering the facts and circumstance of the case, in my considered opinion, such a positive direction cannot be given by this Court. If the petitioner has any grievance, he is at liberty to file protest petition before the concerned Sub-Registrar.

Accordingly, the writ petition is dismissed.
No costs.

Sd/-

Asst.Registrar (CO)
dt. 24.03.2016

(*)Deleted as per order of this Court dated 08.06.2016 made in WMP.16533/16 in W.P.8011/16.

(**)Replacing above lines as per order dt. 08.6.2016 made in WMP.16533/16 made herein)

Sd/-

Assistant Registrar(CO)
dt. 20.06.2016

/true copy/

Sub Asst. Registrar

To

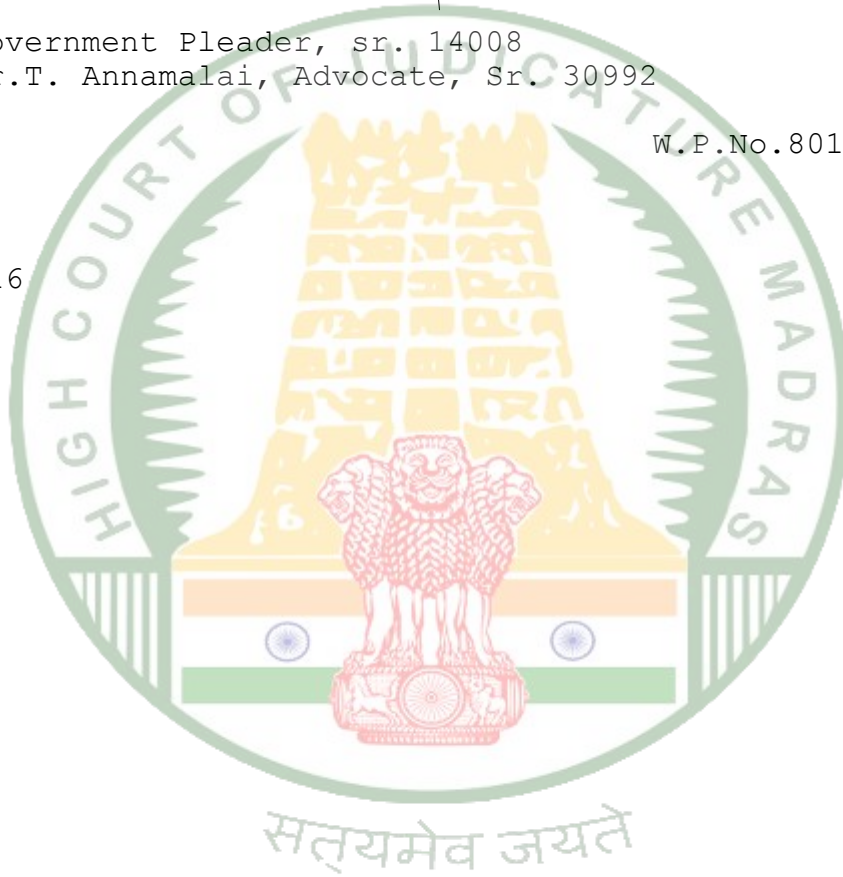
The Sub-Registrar,
Office of sub-Registrar,
No.246, New Military Road,
Avadi, Chennai-600 054.

To be substituted to the
order already despatched
on 12.4.2016

1 cc to Government Pleader, sr. 14008
1 cc to Mr.T. Annamalai, Advocate, Sr. 30992

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RSY (CO)
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