



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.01.2016

CORAM:

THE HONOURABLE Mr. JUSTICE K.RAVICHANDRABAABU

W.P.(MD)No.806 of 2016

and

W.M.P.(MD)No.636 of 2016

Chinnammal

... Petitioner

Vs.

1.The District Registrar,

O/o. The District Registrar,

Govt.of Tamil Nadu, Rajakambiram Village ,

Othakkadai Post, Madurai East Taluk,

Madurai District.

2.The Sub Registrar,

O/o The Sub Registrar, Government of Tamil Nadu,

Alanganallur, Vadipatti Taluk,

Madurai District.

3.Ponnammal

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents from registering any document relating to S.No.36/14 to an extent of 02.50 hectares, S.No.37/10 to an extent of 0.45.00 hectares and S.No.43/3E to an extent of 0.15.50 hectares at Senthamangalam Village, Vadipatty Taluk, Alanganallur Sub Registrar, Madurai District.

For Petitioner : Mr.N.S.Ponnaiah

For Respondents : Mr.M.Murugan, G.A.for R1 and 2

O R D E R

This Writ petition is filed seeking to forbear the respondents from registering any document relating to Survey Nos.36/14, 37/10 and 43/3E at Senthamangalam Village, Vadipatty Taluk, Alanganallur Sub Registrar, Madurai District.

2.Heard the learned counsel appearing for the petitioner and Mr.Murugan, learned Government Advocate, who takes notice for the respondents 1 and 2.

3.It is seen that in respect of family property there is a dispute between the petitioner and the 3rd respondent, who are sisters and legal heirs of their father namely, Chinnalagan. According to the petitioner, though she has a share in the property, the 3rd respondent wrongly availed patta in her name and consequently, she is trying to alienate the same to the third party. Therefore, she sought a prohibitory order against the

registration department not to register any document as sought for in the Writ petition.

4. In my considered view, the facts and circumstances of the present case reveal that it is a pure and simple civil dispute, which has arisen between the petitioner and the third respondent, who are sisters, in respect of a family property. Admittedly, the patta, as on date stands in the name of the third respondent. According to the petitioner, the third respondent availed such patta by giving wrong information to the revenue department.

5. Needless to say that if it is the contention of the petitioner that such patta was issued wrongly, it is always open to the petitioner to go before the revenue authorities and challenge such issuance of patta. It is stated that already the petitioner has taken such steps. When that being the factual position, I do not think that as of now the petitioner can seek for any prohibitory order against the registration of any document by the registering authority unless and until she also go before the civil court and file a suit against the third respondent and establish her right in respect of the said property. Giving such liberty to the petitioner to agitate her right before the civil court, this Writ petition is disposed of accordingly. No costs. Consequently, connected M.P. is closed.

Sd/-
Assistant Registrar (AS)

/True Copy/

Sub-Assistant Registrar

To

1. The District Registrar,
O/o. The District Registrar,
Govt. of Tamil Nadu, Rajakambiram Village ,
Othakkadai Post, Madurai East Taluk,
Madurai District.
 2. The Sub Registrar, O/o the Sub Registrar,
Government of Tamil Nadu,
Alanganallur, Vadipatti Taluk,
Madurai District.
- +One cc to Mr. N.S. Ponnaiah, Advocate, SR.No.2446

nbj
RL/4C/GSV/AN/3/2/2016

W.P. (MD) No.806 of 2016
18.01.2016