

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2018

CORAM

**THE HONOURABLE MR.JUSTICE T.RAJA**

W.P. No.12262 of 2018

Hamsa

Petitioner

-VS-

1.Special Tahsildar (LA) Saidapet,  
Chennai 600 017.

2.Sub Registrar,  
Office of Sub Registrar,  
Avadi, Chennai 54.

3.Dhanraj

4.Jayaraman

5.Rajagopal

6.Govindarajalu

7.Ramasamy

8.S.Amutha

9.Murali

10.Sathish

11.Suseela

12.Ellammal

13.Gajendran

14.Govindan

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15.Sarojammal

16.Ramachandran

17.Marudha Muthu

18.P.Venkatesan

19.Nandagopal

20.Ramakrishna

21.Rani

22.S.A.Vijayan

23.Selvarani

24.Vallimyzil

25.Janaki Kumaran

26.Rukmani

27.Kanthammal

28.Ammasas

29.Janna

30.Minor Suresh

rep. by its natural guardian Father Jayapal

31.Minor Saranya

rep. by its natural guardian father Jayapal

Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus forbearing the second respondent/Sub Registrar, O/o.Sub Registrar, Avadi, Chennai 600 054 from registering any document in respect of the property belonging to the petitioner at S.No.37/4, Mukthapudhupattu village, Ambattur Taluk measuring an extent of Ac.1.73 cents.

For Petitioner : Mr.M.Gnanasekar

For Respondents: Mr.K.V.Dhanapalan,  
for M/s.T.Fenn Walter Associates  
for R3 to 31

Mr.T.M.Pappiah,  
Special Government Pleader for R2

Mr.V.Jayaprakash Narayanan,  
Special Government Pleader for R1

ORDER

This writ petition has been filed by the petitioner for issuance of a Writ of Mandamus forbearing the second respondent/Sub Registrar, O/o.Sub Registrar, Avadi, Chennai 600 054 from registering any document in respect of her property situated at S.No.37/4, Mukthapudhupattu village, Ambattur Taluk measuring to an extent of Ac.1.73 cents.

2.Learned counsel for the petitioner would submit that earlier respondents 1 to 5, 9 to 13 and one Subramani, father of respondents 6 to 8 have filed an Original Suit No.1220 of 1987 on the file of the District Munsif, Ambattur seeking partition and separate possession of 3/14<sup>th</sup> share of the 'B' schedule property and the same was decreed by order dated 22.11.2001. Challenging the same, the petitioner has preferred an Appeal Suit in A.S. No.44 of 2005 and the First Appellate Court dismissed the said Appeal by order dated 25.01.2007 confirming

the decree and judgment of the Trial Court. Aggrieved by the same, the petitioner filed a Second Appeal in S.A. SR.No.102545 of 2017 with a petition to condone the delay before this Court and the same was also dismissed for non-prosecution. Subsequently, the petitioner has filed M.P. No.6942 of 2018 in M.P. No.1 of 2008 in S.A. SR.No.102545 of 2017 before this Court and the same is pending for consideration. Learned counsel for the petitioner would further submit that if the second respondent proceeds to register the document, the petitioner would be put to grave problem.

3.Opposing the above prayer, learned counsel for respondents 3 to 31 submitted that after the order passed by this Court on 10.11.2016 in S.A.SR. No.102545 of 2017, an Execution Petition in E.P. No.168 of 2011 was moved before the Trial Court on 23.11.2017. However, the learned District Munsif, Ambattur by order dated 29.11.2013 allowed the said E.P. ordering the delivery of the immovable property in question and accordingly, the suit property was also delivered on 21.11.2017.

4.In view of the order passed by the learned District Munsif, Ambattur in E.P. No.168 of 2011 dated 29.11.2013 ordering the delivery of the immovable property, this Court has no hesitation to

reject the case of the petitioner. Accordingly, this writ petition is dismissed.

5. Needless to mention that if the petitioner succeeds in the pending petition, the Sub Registrar, Avadi, the second respondent herein is directed to release the pending document. No costs.

03.07.2018

vga

To

1. Special Tahsildar (LA) Saidapet,  
Chennai 600 017.

2. Sub Registrar,  
Office of Sub Registrar,  
Avadi, Chennai 54.



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**T.RAJA, J.**

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