

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 25-06-2018

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.15330 of 2018

K.Leelavathy

.. Petitioner

Versus

The Sub Registrar,
Valangaimaan Sub Registrar Office,
Thiruvarur District.

.. Respondent

PRAYER: Writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondent not to entertain any registration in respect of the joint family properties of the petitioner comprised in Survey No.295/9, Survey No.309/9, Survey No.281B/3 and in Survey No.281B/5 situated at Avoor Village, Valangaimaan Taluk, Thiruvarur District, without due process of law.

For Petitioner : Mr.A.Parthipan
For Respondent : Mr.T.M.Pappiah,
Special Government Pleader.

ORDER

The relief sought for in this writ petition is for a direction to direct the respondent not to entertain any registration in respect of the joint family properties of the writ petitioner comprised in Survey No.295/9 Survey No.309/9, Survey No.281B/3 and in Survey No.281B/5 situated at Avoor Village, Valangaimaan Taluk, Thiruvarur District, without due process of law.

2. The learned counsel, appearing on behalf of the writ petitioner, states that the writ petitioner has inherited the immovable properties along with her sister one Radha and her brother Pakirisamy. However, now the sons of the brother of the writ petitioner are attempting to sell the joint family properties without the consent of the writ petitioner. Thus, the writ petitioner is constrained to move the present writ petition.

3. This Court cannot issue any direction in respect of sale of an immovable property or otherwise. If the property right of

a person is affected, then he is at liberty to approach the competent Civil Court of Law. In respect of registration, the writ petitioner is at liberty to submit his objections before the Sub-Registrar concerned, who in turn has to examine the same in accordance with the provisions of the Registration Act. However, if at all, there is any dispute in respect of title, ownership or possession, the respective parties have to approach the competent Civil Court for the redressal of their grievances. Contrarily, the High Court cannot entertain a writ petition for issuing a direction, restraining the Sub-Registrar from entertaining the instrument filed under the provisions of the Registration Act.

4. Thus, the writ petitioner is at liberty to work out her remedy in the manner known to law. The present writ petition filed by the writ petitioner, cannot be maintained in relation to the prayer, as such, sought for in this writ petition.

5. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs.

s/d-
Assistant Registrar (CS VII)

True Copy

Sub-Assistant Registrar

Svn

To

The Sub Registrar,
Valangaimaan Sub Registrar Office,
Thiruvarur District.

+1 CC to Mr.A. Parthiban, Advocate sr 40090
+1 CC to The Govt. Pleader sr 40399.

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SP(28/06/2018)