



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.05.2019

CORAM

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THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P(MD)No.12161 of 2019

and

W.M.P. (MD)No.9133 of 2019

K.Pushpavalli

...Petitioner

Vs

1.The District Registrar,
Madurai North Registration District,
Madurai.

2.The Sub-Registrar,
Joint-I, North, Sub-Registration Office,
Madurai.

3.K.Pandi

4.P.Krishnan

5.C.Malliga

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to consider the representation of this petitioner dated 13.05.2019 and to cancel the gift deed executed by the 3rd respondent in favour of the 4th respondent registered at the 2nd respondent office vide document No.69/2003 dated 13.01.2003 and also the subsequent mortgage deed executed by the 4th respondent in favour of the 5th respondent registered at the 2nd respondent office vide document No.3654/2018 dated 26.10.2018 in regard with the property comprising 1 acre and 3 cents of punja land in S.No.288/5A2, Konthagai Village, Tirupavanam Taluk, Sivagangai District.

For Petitioner

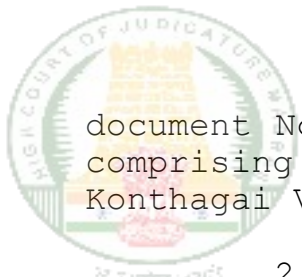
:Mr.J.William Christopher

For R1-R2

:Mr.M.Murugan
Government Advocate

ORDER

This Writ Petition has been filed for a direction to the respondents to consider the representation of petitioner, dated 13.05.2019 and to cancel the gift deed executed by the 3rd respondent in favour of the 4th respondent registered at the 2nd respondent office, vide document No.69/2003, dated 13.01.2003 and also the subsequent mortgage deed executed by the 4th respondent in favour of the 5th respondent registered at the 2nd respondent office, vide



document No.3654/2018, dated 26.10.2018 with regard to the property comprising 1 acre and 3 cents of punja land in S.No.288/5A2, Konthagai Village, Tirupavanam Taluk, Sivagangai District.

2. Mr.M. Murugan, learned Government Advocate takes notice for the respondents 1 and 2. In view of the order to be passed in this petition, notice to the respondents 3 to 5 is dispensed with.

3. By consent of both parties, this Writ Petition is disposed of at the admission stage itself.

4. The case of the petitioner is that she is a Widow and the respondents 3 and 4 are father and her elder brother respectively. The petitioner's mother, who had purchased 1 Acre 3 Cents of Punja land in S.No.288/5A2 at Konthagai Village, Thirupuvanam Taluk, Sivagangai District, died intestate in the year 1998 and there is no family settlement so far. The 3rd respondent executed a registered gift deed in favour of the 4th respondent at 2nd respondent office by suppressing the fact that the property is a joint family property. When the petitioner came to know that the 4th respondent obtained the signature of the 3rd respondent fraudulently, she lodged a complaint before the Inspector of Police, Tirupuvanam Police Station, but, there is no action taken by them. In such circumstances, the petitioner has sent a representation dated 13.05.2019 to the respondents 1 and 2 to cancel the gift deed executed by the 3rd respondent in favour of the 4th respondent. As there was no response to the same, she filed the present Writ Petition.

5. Heard the learned counsel appearing for the parties.

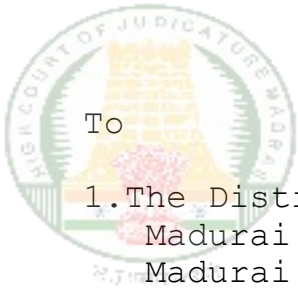
6. Since the relief sought for in the Writ Petition can be granted only by jurisdictional Court and in view of the decision of the Hon'ble Supreme Court reported in **(2016) 10 SCC 767 (Satyapal Anand Vs. State of Madhya Pradesh and others)**, this Court is not inclined to entertain this Writ Petition and the writ petition is liable to be dismissed as not maintainable. Accordingly, the Writ Petition is dismissed as not maintainable. However, the petitioner is given liberty to work out her remedy in the manner known to law. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Vacation Officer

// True Copy //

Sub Assistant Registrar(CS)



To

1.The District Registrar,
Madurai North Registration District,
Madurai.

2.The Sub-Registrar,
Joint-I, North, Sub-Registration Office,
Madurai.

+1cc to M/s.Special Government Pleader,SR.No. 66040

W.P (MD) No.12161 of 2019

and

W.M.P. (MD) No.9133 of 2019

trp/vsd

KK/SAR/24.05.2019/ 3P- 4C

15.05.2019

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