



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P(MD)No.18892 of 2019

T.Shyamala

... Petitioner

vs.

1.The District Registrar,
O/o the District Registrar,
Dindigul Post & District.

2.The Sub-Registrar,
O/o the Sub-Registrar,
Vadamadurai Post,
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the second respondent to consider the petitioner's representation dated 06.02.2019 and to pass final orders within a stipulated time as fixed by this Court, by permitting the petitioner to execute the sale in respect of the property purchased by her in Document No.1794/2000, dated 23.10.2000.

For Petitioner : Mr.T.Palanisamy
for Mr.M.Saravanakumar

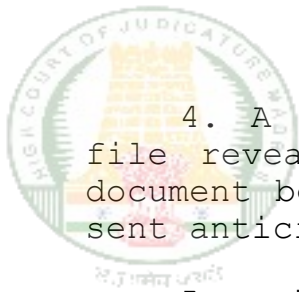
For Respondents : Mr.V.Anand
Government Advocate

ORDER

Mr.T.Palanisamy, representing Counsel on record for the writ petitioner and Mr.V.Anand, learned Government Advocate on behalf of both the respondents are before this Court.

2. On hearing both learned Counsel, it comes to light that the main writ petition can be disposed of.

3. Writ Petitioner has sent a representation dated 06.02.2019 to the second respondent and this writ petition has been filed with a prayer to mandamus the second respondent to consider and pass orders on the said representation.



4. A perusal of the said representation as well as the case file reveals that the writ petitioner has not yet presented any document before the second respondent. The representation has been sent anticipating presentation of a document.

5. With regard to the second respondent, who functions primarily under the Registration Act 1908, the second respondent has to perambulate within the four corners of the Registration Act and therefore, a representation of this kind alluded to supra ie., a representation in anticipation of presentation of document, which pertains to property which according to the writ petitioner belongs to a trust created by family members of a family cannot be entertained. In other words, writ petition is premature.

6. However it is made clear that if the writ petitioner presents any document and if the second respondent refuses registration, all questions raised in the instant petition are left open to be canvassed by the writ petitioner while assailing such refusal if such a scenario unfurls in days to come.

7. Instant Writ Petition is dismissed as premature, without expressing any opinion on merits of the matter. There shall be no order as to costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

Sub Assistant Registrar

To

1.The District Registrar,
O/o the District Registrar,
Dindigul Post & District.

2.The Sub-Registrar,
O/o the Sub-Registrar,
Vadamadurai Post, Dindigul District.

+1 CC to M/s.SPL GP (SR-87260[F] dated 17/09/2019)

+1 CC to M/s.M. SARAVANA KUMAR, Advocate (SR-86750[F] dated 16/09/2019)

W.P (MD) No.18892 of 2019
13.09.2019

SSL

MS/26.09.2019/2P.5C