



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **17.10.2019**

CORAM:

THE HONOURABLE MR.JUSTICE **M.GOVINDARAJ**

W.P. (MD)No.21999 of 2019

and

W.M.P. (MD)Nos.18754, 18756 and 18757 of 2019

Uma Maheshwari

: Petitioner

Vs.

1. The Joint Sub Registrar -II,
Virudhunagar District,
Virudhunagar.

2. The Joint Sub Registrar -I,
Virudhunagar District,
Virudhunagar.

3.Radhalakshmi

4.S.Jeyabalan

5.N.Jeyabalan

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the order of the first respondent dated 24.09.2019 in objection petition No.1/2019 and quash the same and consequently, direct the respondents 1 and 2 not to register further documents filed by the respondents 3 to 5 relating the disputed properties standing in the name of V.K.Srinivasan and situated within the jurisdiction of respondents 1 and 2.

For Petitioner

: Mr.S.Natarajan

For Respondents 1&2

: Mr.V.Anand,

Government Advocate

For Respondent No.4

: Mr.Raja Karthikeyan

ORDER

Challenge to the Writ Petition is the order passed by the first respondent/Joint Sub Registrar in disposing of the objection made by the petitioner.

2. The petitioner claims right over the property through her husband as a legal heir of one V.K.Srinivasan. A Civil Suit is

<https://hcservices.ecourts.gov.in/hcservices/>



also pending in this regard in O.S.No.83 of 2018 on the file of the learned Principal District Munsif, Aruppukkottai. According to the petitioner, during the pendency of the Civil Suit, the contesting respondents are indulging in encumbering the properties.

3. The learned counsel appearing for the petitioner would also draw the attention of this Court to the judgment passed by this Court in A.S.(MD)Nos.72, 73, 74 of 2013, dated 29.10.2018, wherein it is observed that the issue will have to be decided by the Civil Court. Even though the petitioner has raised all these objections and drawn the attention of the official respondents to the orders of the Civil Court, without considering the same, he registered the deed of conveyance, as requested by the contesting respondents. Aggrieved over the same, the present Writ Petition is filed.

4. Per contra, the learned counsel appearing for the contesting respondent would contend that the fourth respondent originally purchased the property from the husband of the petitioner. A civil litigation was decided against the petitioner's husband and it was declared that he was not the legal heir of the said V.K.Srinivasan, the original owner of the property. Having purchased a property from a wrong person, he wanted to protect the title and hence, he purchased it again from the legal heirs of the original owner of the property. This conveyance was objected by the petitioner on the ground that the civil litigations are still pending. Therefore, the first respondent has conducted elaborate enquiry and after considering all the factual aspects, has decided to register the conveyance. Therefore, the respondents seek the dismissal of the above Writ Petition.

5. I have considered the submissions made by both parties.

6. At the outset, it is incumbent on the first respondent, in cases doubt, suspicion or objection, to verify the identity of the presentant of the document, existence of the property and also identity of the property. However, on the objection made by the petitioner, the first respondent conducted an elaborate enquiry. He also found that in none of the litigations, the Courts have granted any restraint order against the first respondent from registering the property with respect to survey numbers in question. Even, in the civil suit in O.S.No.83 of 2018 pending on the file of the learned Principal District Munsif, Aruppukkottai, there is no injunction. Therefore, he had taken a decision to register the pending document.

7. It is clearly observed by this Court in A.S.(MD)Nos.72, 73, 74 of 2013, dated 29.10.2018, that the issue will have to be decided by the Civil Court. Once an observation is made, in the event of success in the civil suit filed by the petitioner, the transaction can be nullified. Therefore, the transaction will be



first respondent cannot be restrained by this Court from carrying out his legal duty. Further, this Court in a Writ Proceedings cannot delve into the factual disputes. Therefore, it is reiterated that the registration done by the first respondent and all the conveyances that have been made or to be made by the contesting respondents will be subject to the result of the suit pending between the parties and it cannot be injuncted by this Court.

8. The Writ Petition is disposed of with the above observation. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (co)

// True Copy //

Sub Assistant Registrar(CS)

SML

To

1. The Joint Sub Registrar -II,
Virudhunagar District,
Virudhunagar.

2. The Joint Sub Registrar -I,
Virudhunagar District,
Virudhunagar.

+1 CC to Mr.S.NATARAJAN, Advocate (SR-92926[F] dated 18/10/2019)

+1 CC to SPL GP (SR-93095[F] dated 18/10/2019)

Order made in
W.P. (MD) No.21999 of 2019
Dated: 17.10.2019

VB(05.11.2019) 3P 5C