

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

WP No.11733 of 2020
and WMP No.14425 of 2020

Leelaramkrishnan

.... Petitioner

Vs.

1. The Inspector General of Registration,
Santhome High Road,
Chennai.
2. The District Registrar,
P.N.Road,
Tiruppur.
3. The Sub Registrar,
Office of the Sub Registrar,
Dharapuram.
4. Periyasamy
5. Jayalakshmi
6. Durairaj
7. Rukmani
8. Lakshmi
9. Vijayalakshmi
10. Rajeswari
11. Ramakrishnan
12. Vijayalakshmi
13. Chindamani
14. Sivakumar

... Respondents

PRAYER: Writ Petitions filed under Article 226 of Constitution of India, for the issue of writ of Mandamus to issue the direction to the 3rd respondent not to register the 1/10th of the common share in S.F.No.200, 201 and 202, Munduvellampatti Village, Dharapuram Taluk, Tiruppur District by considering the petitioner's representation dated 12.08.2020.

For Petitioner : Mr.D.R.Arun Kumar
For Respondents: Mr.T.M.Pappiah
1-3 Special Government Pleader

ORDER

This writ petition has been filed for the issue of writ of Mandamus directing the 3rd respondent not to register any document with respect to the subject property involved in this writ petition without considering the protest made by the petitioner.

2. The case of the petitioner is that the property became a subject matter of suit in O.S.No.262 of 2007 before the District Munsif Court, Dharapuram, wherein, the relief of partition and separate possession was claimed. A final decree came to be passed in I.A.No.1237 of 2013 on 14.12.2017. The property was divided into metes and bounds and 1/10th share was allotted in favour of one Gunapusani and on the death of said Gunapusani, the petitioner is claiming right as a legal heir in the 1/10th share.

3. The grievance of the petitioner is that the 4th respondent has entered into an agreement of sale with respondents 5 to 14 and the share belonging to the petitioner is also attempted to be alienated in favour of the 4th respondent. The petitioner therefore made a representation to the 3rd respondent not to register any document by including the share of the petitioner. Since the same was not considered, the present writ petition has been filed before this Court, seeking for appropriate directions.

4. Heard the learned counsel appearing for the petitioner and Mr.T.M.Pappiah, learned Special Government Pleader, appearing for the respondents 1 to 3.

5. Taking into consideration the facts and circumstances of the case, there shall be a direction to the petitioner to submit a formal protest petition before the 3rd respondent along with all the relevant documents and also pay the necessary fees. The 3rd respondent on receipt of the protest petition, shall put respondents 4 to 14 on notice, as and when any document is attempted to be registered with respect to the subject property.

The petitioner shall also give a representation to the 3rd respondent along with the protest petition by appending a copy of this order.

6. This writ petition is disposed of with the above directions. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector General of Registration,
Santhome High Road,
Chennai.
2. The District Registrar,
P.N.Road,
Tiruppur.
3. The Sub Registrar,
Office of the Sub Registrar,
Dharapuram.

+1 cc to The Government Pleader, Sr.No. 29268

SSD(CO)
RMP(28/09/2020)

WP No.11733 of 2020

सत्यमेव जयते

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