

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.11.2020

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.No.16487 of 2020

P.Prabha,

...Petitioner

Vs

1. The District Registrar,
Office of District Registration,
South Chennai,
Thi.Ru.Vi.Ka., Industrial Estate,
Guindy, Chennai-600 032.
2. The Sub Registrar,
Selaiyur,
No.36, Bharadhamadha Road,
Selaiyur South Tambaram,
Tambaram, Chennai-600 073.
3. The Sub Registrar,
Pallavaram,
7th Primary Road, New Colony,
Chromepet, Jameen Pallavarm,
Chennai-600 044.
4. Dharmalingam,
S/o. Viswalingam.
5. D.Rajasheker,
S/o. Dharmalingam.
6. S.Brinda,
D/o. Dharmalingam.
7. D.Rajalingam,
S/o. Dharmalingam.

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus directing the 1st respondent to conduct an enquiry, with personal hearing on the basis of the representation of the petitioner dated 22.09.2020 within the time frame limit.

For Petitioner : Mr. P.G.Thiyagu

For Respondents
1 to 3

: Mr.T.M.Pappiah
Special Government Pleader

ORDER

This Writ Petition has been filed for the issue of a writ of mandamus directing the 1st respondent to conduct an enquiry based on the representation made by the petitioner on 22.09.2020, wherein the petitioner has requested the 1st respondent, not to register any documents that is presented for registration by the private respondents.

2. Heard Mr.P.G.Thiyagu, learned counsel for the petitioner and Mr.T.M.Pappaiah, learned Special Government Pleader appearing on behalf of respondents 1 to 3.

3. A careful reading of the averments made in the affidavit filed in support of the writ petition and also after carefully considering the submissions made by the learned counsel for the petitioner, this Court is of the considered view that the nature of grievance expressed by the petitioner in this Writ Petition cannot be decided by the 1st respondent. It involves determination of right over the respective shares in the subject property. The most appropriate manner in which the petitioner will have to work out her remedy is by filing a suit for Partition before the competent Civil Court. Merely by submitting a representation before the 1st respondent, the petitioner cannot, in any way, get a declaration with regard to the right over the subject property. If the petitioner apprehends that the private respondents are trying to create third party rights, it is always be open to the petitioner to file an interim application in the Civil Suit and seek for an order of interim injunction. Therefore, if the apprehension of the petitioner is that the private respondents are trying to create third party rights, that can be easily sorted out by the petitioner by filing an appropriate application before the Civil Court.

4. In view of the above, this Court is not convinced to grant the relief sought for by the writ petitioner in this Writ Petition and accordingly, this Writ Petition is dismissed. However, it is made clear that it is always open to the petitioner to work out her remedy before the competent Civil Court. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

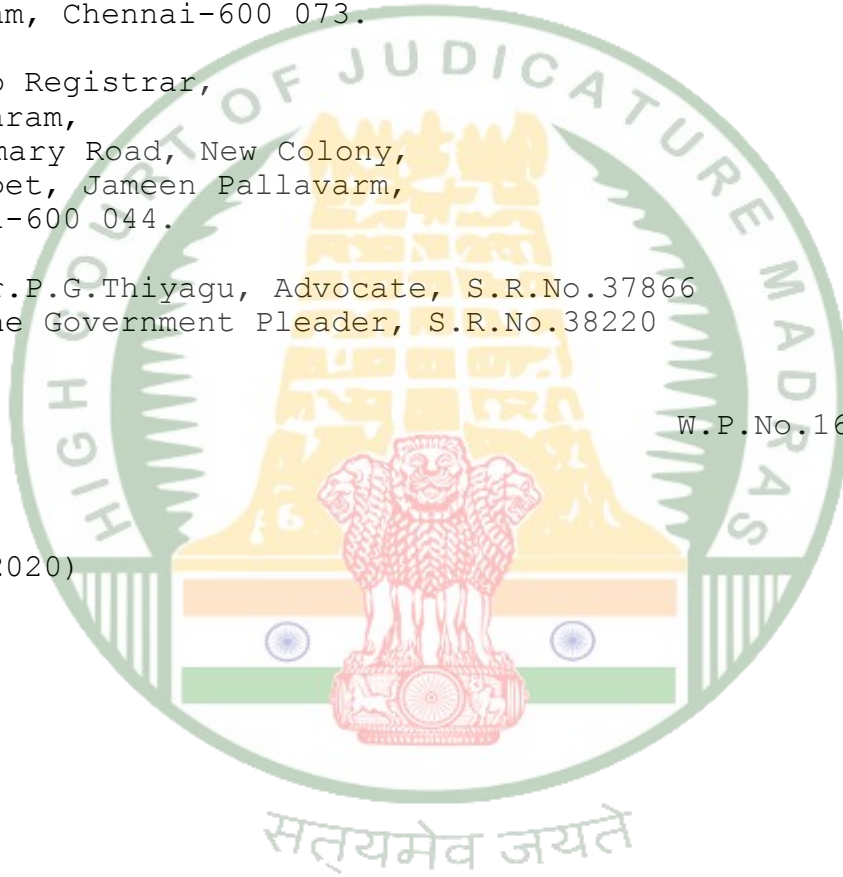
To

1. The District Registrar,
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7th Primary Road, New Colony,
Chromepet, Jameen Pallavarm,
Chennai-600 044.

+1cc to Mr.P.G.Thiyagu, Advocate, S.R.No.37866
+1cc to the Government Pleader, S.R.No.38220

W.P.No.16487 of 2020

NRL (CO)
RV (23/12/2020)



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