

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.12.2020

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.16955 of 2020

Madeswari

...Petitioner

Vs.

1. The Sub Registrar,
Ammamet,
Erode District.

2. The District Registrar,
District Registrar Office,
Erode District.

3. M.Velusamy

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the first respondent to consider the representation dated 01.10.2020 sent by the petitioner and direct the first respondent not to register the property comprised in R.S.No.483/3, 483/2 and 484/2A to an extent of 4.20 acres situated in Patlur Village, Andhiyur Taluk, Erode District at the instance of the third respondent and to pass appropriate orders within the time fixed by this Court.

For Petitioner : Mr.C.Veera Raghavan

For Respondents: Mr.T.M.Pappiah, R1& R2
Special Government Pleader

O R D E R

This Writ Petition has been filed for the issue of a Writ of Mandamus directing the first respondent to consider the representation made by the petitioner on 01.10.2020 wherein the petitioner has requested the first respondent not to register any document pertaining to the subject property.

2. The case of the petitioner is that the subject property was owned by her husband. According to the petitioner, her husband borrowed money from the third respondent towards his medical expenses. Subsequently, he also died. The further case

of the petitioner is that the third respondent persuaded the petitioner to execute a sale deed in his favour and whereas he paid only a paltry sum of Rs.1,00,000/- and did not pay the remaining sale consideration. The sale deed was also executed in favour of the third respondent on 17.02.2020 and it was registered on the file of the first respondent.

3. The petitioner has made a representation to the first respondent to the effect that the third respondent has not paid the entire sale consideration and therefore, the 3rd respondent must not be permitted to register any document pertaining to the subject property. Since the same was not considered, the present writ petition has been filed before this Court seeking for appropriate directions.

4. Heard Mr.C.Veera Raghavan, learned counsel for the petitioner, and Mr.T.M.Pappiah, learned Special Government Pleader appearing on behalf of the first and second respondents.

5. It is seen from records that the third respondent has already filed a suit in O.S.No.122 of 2020 before the District Munsif Court, Anthiyur against the petitioner and two others seeking for the relief of permanent injunction. If the grievance of the petitioner is that the third respondent has not paid the entire sale consideration, the petitioner must file a suit for recovery of money in order to recover the balance sale consideration. If according to the petitioner, the sale deed itself is not a valid document, then the petitioner will have to seek for appropriate declaration before the competent Civil Court. Instead of resorting to these measures, the petitioner cannot ask the first respondent not to register any documents presented by the third respondent. In fact, there is already a suit pending before a competent Civil Court, it will always be open to the petitioner to go before the same Court and file a counter claim. The petitioner will have to necessarily work out her remedy only before the Competent Civil Court and there will be no use in giving any direction to the first respondent to act upon the representation made by the petitioner.

6. This Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

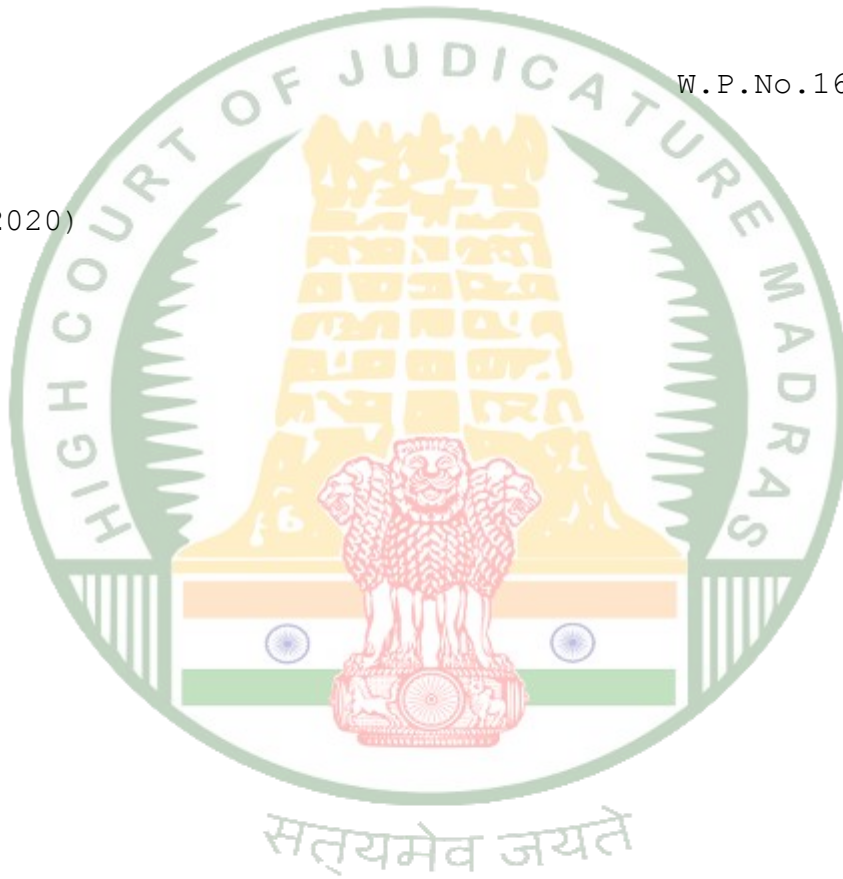
1. The Sub Registrar,
Ammamet,
Erode District.

2. The District Registrar,
District Registrar Office,
Erode District.

+1 CC to The Government Pleader sr 39578.

W.P.No.16955 of 2020

AJB(CO)
SP(31/12/2020)



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