



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **09.10.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **S. VAIDYANATHAN**

W.P(MD)No.14094 of 2020

Sasikala Devi

... Petitioner

Vs.

1.The Sub Registrar,
Sub Registrar Office,
Kovilpatti,
Tuticorin District.

2.The District Registrar,
Palayamkottai,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to declare the Deeds as null and void comprising of 1) Document No.7091/1946, dated 09.05.1946, 2) Document No.4462/2018, dated 08.10.2018, 3) Document No.4855/2018, dated 31.10.2018, 4) Document No.7347/2018, dated 09.11.2018 and 5) Document No.7348/2018, dated 09.11.2018 respectively properties in respect of Survey No.543, 544 and 545 situated at Pandavar Mangalam Village, Kovilpatti Taluk, Tuticorin District, within stipulated time fixed by this Court.

For Petitioner

: Mr.K.Gokul

for M/s.G.Chellappa

For respondents

: Mr.K.Sathya Singh

Additional Government Pleader

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus directing the respondents to declare the Deeds comprising of 1) Document No.7091/1946, dated 09.05.1946, 2) Document No.4462/2018, dated 08.10.2018, 3) Document No.4855/2018, dated 31.10.2018, 4) Document No.7347/2018, dated 09.11.2018 and 5) Document No.7348/2018, dated 09.11.2018 relating to the properties in respect of Survey No.543, 544 and 545 situated at Pandavar Mangalam Village, Kovilpatti Taluk, Tuticorin District, as null and void.

2.Heard the learned Counsel appearing for the petitioner and Mr.K.Sathya Singh, learned Additional Government Pleader, who took notice for the respondents. By consent, the writ petition is taken up for disposal at the admission stage itself.

3.The learned Counsel appearing for the petitioner submitted that the properties bearing Survey Nos.543, 544 and 545



situated at Pandavar Mangalam Village, Kovilpatti Taluk, Tuticorin District originally belonged to one Smt.Vellachiammal, who executed a gift deed in favour of her brother and brother's son, namely, Shanmuga Kudumban and Mahalinga Kudumban respectively through Document No.1962 of 1918 giving equal share to them. Thereafter, the said Shanmuga Kudumban executed a registered Will in favour of his wife and daughter vide Document No.10 of 1950. Similarly, the said Mahalinga Kudumban had also executed a registered sale deed in favour of one Paulraj, S/o.Ayyappa Nadar through Document No.7091 of 1946 in respect of the above survey numbers. Thereafter, the said undivided properties were sold to several persons through the above said documents. Against the said sale proceedings, the petitioner has preferred an appeal before the Revenue Divisional Officer, Kovilpatti, Tuticorin District, who after conducting enquiry, ordered to issue joint patta including the petitioner's name as her father by name Ponmadan was one of the legal heirs of the said Shanmuga Kudumban. Based on the order of the Revenue Divisional Officer, Kovilpatti, Tuticorin District, the petitioner made a representation to the respondents on 18.09.2020 seeking to declare the documents mentioned in the prayer as null and void. Since the said representation was not considered by the respondents, the petitioner has come before this Court with this Writ Petition.

4.Considering the facts and circumstances of the case and without expressing any opinion on the merits of the matter, this Court is inclined to pass the following order:

"The second respondent is directed to consider the representation of the petitioner dated 18.09.2020 and pass orders in accordance with law, particularly, by taking note of Section 68(2) of the Registration Act, 1908, and thereafter, the concerned authority may invoke Section 83 of the said Act. The said exercise shall be done within a period of four months from the date of receipt of a copy of this order."

5.With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

SRM



To

1.The Sub Registrar,
Sub Registrar Office,
Kovilpatti,
Tuticorin District.

2.The District Registrar,
Palayamkottai,
Tirunelveli District.

+1 CC to M/s.SPL GP (SR-19757[F] dated 12/10/2020)

W.P (MD) No.14094 of 2020
09.10.2020

SJ(CO)
KB(09.11.2020) 3P 4C