



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.11.2020

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

W.P. (MD) .No.15575 of 2020

and

W.M.P. (MD) No.13078 of 2020

Nirmala

.. Petitioner

Vs.

1.The Inspector of Registration,
Santhome High Road,
Chennai - 28.

2.The Sub Registrar,
Sub Registrar Office,
Paramakudi.

3.T.Mohanraj

4.Muneeswari

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the first and second respondents to initiate action on the representations of the petitioner dated 24.09.2020 and 27.08.2020 praying action for cancelling the registration and objecting further registration and dispose of the same within the stipulated time.

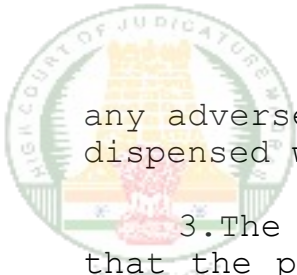
For Petitioner : Mr.T.A.Ebenezer

For Respondents 1 & 2 : Mr.K.Sathiya Singh
Additional Government Pleader\

O R D E R

This Writ Petition is filed for issuance of a Writ of Mandamus to direct the first and second respondents to initiate action on the representations of the petitioner dated 24.09.2020 and 27.08.2020 praying action for cancelling the registration and objecting further registration and dispose of the same within the stipulated time.

2.Heard the learned Counsel appearing for the petitioner and Mr.K.Sathiya Singh, learned Additional Government Pleader appearing for the respondents 1 and 2. Since this Court is not going to pass



any adverse order against the respondents 3 and 4, notice to them is dispensed with.

3.The learned Counsel appearing for the petitioner would submit that the petitioner's father had many ancestral properties and also self acquired properties and he died on 18.06.2016 leaving behind the petitioner's mother, two brothers and two sisters. The petitioner's elder brother is a physically challenged person. It is further submitted that taking advantage of the innocence of the petitioner's mother and the elder brother's inability and also the absence of the petitioner and her two sisters, her younger brother/3rd respondent herein made an attempt to sell the property measuring to an extent of 1453 ½ square feet in S.No.96/1A situated at Venthony Village, Paramakudi Taluk, Ramnad District to the fourth respondent. When questioned about the said transaction, the third respondent agreed to pay the petitioner a sum of Rs.50,000/- and on the basis of the said agreement, the petitioner and other legal heirs of the petitioner's father had signed the documents before the second respondent. But, immediately after completion of the said registration, the third respondent refused to pay the amount as agreed and instead, he started to abuse the petitioner and her husband. Therefore, the petitioner immediately made a complaint before the second respondent but he refused to receive the same, however, she had sent a complaint through email on 27.08.2020. Thereafter, the petitioner sent a legal notice to the respondents 2 to 4 on 28.08.2020 and despite receipt of the said notice, the second respondent handed over the document to the document Writer by name R.Marimuthu who has no authority to receive the same. Therefore, the petitioner had sent another legal notice to the second respondent praying for detailed enquiry in respect of handing over the document to the document writer and on the pending complaint on 11.09.2020. Despite receipt of the complaint and legal notices, the second respondent had not acted upon so far. In the meantime, the third respondent is trying to sell the remaining properties of the petitioner's father and on fearing that, the petitioner made a representation to the first respondent on 24.09.2020 seeking direction to the second respondent not to register any documents in respect of the properties of the petitioner's father and to take action on the petitioner's previous complaint dated 27.08.2020. But till date there is no response from the respondents 1 and 2, though they are duty bound to proceed with the matter as per Sections 68 and 83 of the Registration Act, 1908. Therefore, the petitioner has come forward with this present Writ Petition.

4.It is seen from the averments made in the affidavit and the submission made by the learned Counsel appearing for the petitioner, this Court is of the view that it is purely a civil dispute and the petitioner has got alternative remedy before the appropriate Civil forum and not before this Court. Therefore, this Court is not



Petition. However, the petitioner is at liberty to agitate her rights before the appropriate Civil forum in the manner known to law. Accordingly, this Writ Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

SRM

To

1.The Inspector of Registration,
Santhome High Road,
Chennai - 28.

2.The Sub Registrar,
Sub Registrar Office,
Paramakudi.

+1 CC to M/s.GP (SR-21568[F] dated 09/11/2020)

+1 CC to M/s.T.A.EBENEZER, Advocate (SR-21680[F] dated 10/11/2020)

ORDER MADE IN
W.P. (MD) .No.15575 of 2020
06.11.2020

ARK(CO)

AP(26/11/2020) 3P 5C