



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.11.2020

CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

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W.P. (MD) No.16983 of 2020

and

W.M.P. (MD) No.14202 of 2020

K.Prema

...Petitioner

-Vs-

1.The Inspector General of Registration,
No.100, Santhome Highways,
Chennai-600 028.

2.The District Registrar,
O/o the District Registrar,
Periyakulam,
Theni District.

3.The Sub Registrar,
Usilampatti Sub Registrar Office,
Madurai District-625 532

4.Rani

5.Jeyachandran

6.Malathi

7.Jeyaveeran

8.Selvam

9.L.Palani

10.P.Kavitha

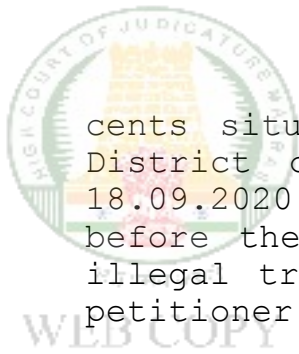
11.Sundaram

12.Vijayalakshmi

13.Senthilkumar

...Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a writ of Mandamus, to direct the 1 to 3 respondents would not register any further documents by the 4th to 13th respondents and his men and agents in the petitioner's ancestral property measuring total extent of 7 acres and 66 cents comprised in (1) S.No.17/1D1, 17/2A Old Patta No.964, New Patta No.3969 with an extent of 1 Acre 3 cents, (2) S.No.17/3, Old Patta No.964, New Patta No.2250 with an extent 56 cents (3) S.No.18/1A, 18/1B1 Old Patta No.964, with an extent of 2 acres 39 cents, (4) S.No.45/2A2, 45/2B, Old Patta No.964, New Patta No.4130 with an extent of 3 Acre 63



cents situated at Usilampatti Village, Usilampatti Taluk, Madurai District on the basis of the petitioner's representation dated 18.09.2020 because pending of the partition suit in O.S.No.235/2015 before the Usilampatti District Munsif Court in the meanwhile the illegal transactions of documents execution also continuing in the petitioner's properties by 4th to 13th respondents.

For Petitioner : Mr.R.Sundar

For R1 to R3 : Mr.K.Sathiya Singh

Additional Government Pleader.

ORDER

This writ petition has been filed to direct the 1 to 3 respondents would not register any further documents by the 4th to 13th respondents and his men and agents in the petitioner's ancestral property measuring total extent of 7 acres and 66 cents situated at Usilampatti Village, Usilampatti Taluk, Madurai District on the basis of the petitioner's representation dated 18.09.2020.

2. Mr.K.Sathiya Singh, learned Additional Government Pleader takes notice for the first to third respondents. Since no adverse order is going to be passed against the fourth to thirteenth respondents, notice to the third and thirteenth respondents is dispensed with.

3. By consent of both parties, this writ petition is taken up final disposal at the stage of admission itself.

4. According to the petitioner, the land in question was purchased by her father. From the date of purchase, the petitioner and her sisters and brother along with her parents enjoyed the said property as joint property without any variation. In these circumstances, the fourth to sixth respondents colluded among themselves and grabbed the above said property and made encumbrances by way of executing the various deeds to the seventh to thirteenth respondents herein. In the meantime, the petitioner has filed a suit in O.S.No.235 of 2015 against the fourth to sixth respondents. Pending suit, the fourth to sixth respondents have continuously encumbered the petitioner's property. Hence, the petitioner has preferred the present writ petition with the aforesaid prayer.

5.The learned Additional Government Pleader appearing for the official respondent would submit that this is a civil dispute and the petitioner has to redress her grievance in the pending civil suit.

6. Admittedly, the dispute between the parties is the civil dispute and the relief sought for the by the petitioner cannot be granted in this writ petition. Accordingly, this writ petition is dismissed. However, the petitioner is at liberty to make the



Government Officials as party respondent in the pending civil suit and obtain necessary orders. Since the suit is pending from 2015, the trial Court is expected to dispose of the same without adjourning the matter beyond fifteen working days. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Inspector General of Registration,
No.100, Santhome Highways,
Chennai-600 028.
2. The District Registrar,
O/o the District Registrar,
Periyakulam,
Theni District.
3. The Sub Registrar,
Usilampatti Sub Registrar Office,
Madurai District-625 532

+1 CC to M/s.GP (SR-23306[F] dated 30/11/2020)

W.P. (MD) No.16983 of 2020

27.11.2020

MA (CO)

KK(10.12.2020) 3P 5C