



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.11.2020

CORAM:

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

W.P. (MD)No.17101 of 2020

V.Avudaithai @ Sumathi

... Petitioner

-vs-

1.The Deputy Inspector General of Registration,
Integrated Complex of Registration Department,
TNAU Nagar, Rajakampeeram,
Y.Othakadai, Madurai - 625 107.

2.The Sub Registrar,
Sub Registrar Office,
Kalugumalai,
Thirunelveli District.

3.Gurusamy

4.Priya

5.Vellaipandi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the second respondent not to register further documents in connection with the petitioner's undivided property in Survey No.165/1A and Survey No.165/1C1 to an extent of 50 cents from the total extension of 1 acre 49 cents in Patta No.1630 and 128, North Kuruvikulam Village, Kalugumalai Sub D, Tenkasi District by considering her representation cum objection petition dated 02.11.2020 and 03.11.2020.

For Petitioner : Mr.M.Solaisamy

For Respondents : Mr.K.Sathiyasingh

1 and 2

Additional Government Pleader

ORDER

This writ petition is filed, seeking issuance of a Writ of Mandamus directing the second respondent not to register further documents in connection with the petitioner's undivided property in Survey No.165/1A and Survey No.165/1C1 to an extent of 50 cents from the total extension of 1 acre 49 cents in Patta No.1630 and 128, North Kuruvikulam Village, Kalugumalai Sub Division, Tenkasi District by considering her representation cum objection petition dated 02.11.2020 and 03.11.2020.

2.Heard the learned Counsel appearing for the petitioner and Mr.K.Sathya Singh, learned Additional Government Pleader, who took notice for the respondents 1 and 2. Since this Court is not



going to pass any adverse orders against the respondents 3 to 5, notice to the respondents 3 to 5 is dispensed with.

3.The learned Counsel appearing for the petitioner submitted that the property measuring to an extent of 1 acres and 49 cents in Survey No.165/1A and Survey No.165/1C1 bearing Patta Nos.1630 and 128, situated at North Kuruvikulam Village, Kalugumalai Sub Division, Tenkasi District belonged to her father. After the demise of the petitioner's father, the property was in the absolute possession and enjoyment of her mother, her brothers by name Gurusamy/3rd respondent herein, Rajendran, Rajaguru (Died), Ravichandran and the petitioner. While so, on 17.09.2014, the petitioner's brother Rajaguru's legal heirs Velthai and Krishnamoorthy joined with another brother by name Ravichandran and partitioned their shares and divided it into house plots. The undivided share of the petitioner and the third respondent is vacant. Therefore, when the petitioner approached the second to sell her share to a third party, the second respondent refused to register the document stating that it is an undivided property. But the second respondent registered the settlement deed executed by the third respondent in favour of his daughter/4th respondent herein vide Doc. No.624/2016 on 28.03.2016 with false boundaries. Hence, the petitioner made a representation to the respondents 1 and 2 to cancel the settlement deed registered vide Doc.No.624/2016. In the meanwhile, the fifth respondent had threatened the petitioner over phone to withdraw the objection made before the respondents 1 and 2 with regard to the settlement deed dated 28.03.2016. In this regard, the petitioner had lodged a criminal complaint against the fifth respondent before the Inspector of Police, Town Police Station, Satur. In such circumstances, the respondents 3 to 5 are trying to make further encumbrance over the petitioner's share. Therefore, the petitioner made a request to the respondents 1 and 2 not to register further documents in connection with the petitioner's undivided property in Survey No.165/1A and Survey No.165/1C1 to an extent of 50 cents from the total extension of 1 acre 49 cents in Patta No.1630 and 128, North Kuruvikulam Village, Kalugumalai Sub Division, Tenkasi District by considering her representation cum objection petition dated 02.11.2020 and 03.11.2020. Since the respondents 1 and 2 have not considered the representation of the petitioner so far, the petitioner has come forward with this Writ Petition.

4.Considering the facts and circumstances of the case, this Court is of the view that the petitioner will have to approach only the civil court. It is needless to mention that if the Sub Registrar is going to register a document, he has to fulfill the conditions laid down in Rule 55 of the Registration Rules as enquiry before registration is must and each and every reason based on the enquiry under Rule 55 of the Registration Rules needs to be noted on record in case of any dispute raised by any one of the parties and



the relief sought for by the petitioner as such cannot be granted. Accordingly, this Writ Petition is dismissed with liberty to approach the appropriate Civil forum. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

SRM

To

1.The Deputy Inspector General of Registration,
Integrated Complex of Registration Department,
TNAU Nagar, Rajakampeeram,
Y.Othakadai, Madurai - 625 107.

2.The Sub Registrar,
Sub Registrar Office,
Kalugumalai,
Thirunelveli District.

+1 CC to M/s.GP (SR-23308[F] dated 30/11/2020)

W.P (MD) No.17101 of 2020

27.11.2020

MJ(CO)

AP(18/12/2020) 3P 4C