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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.09.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P. NO.13028 OF 2016

M. Sakunthala

.. Petitioner

Versus

1. The District Registrar,
Mayiladuthurai Registration Office,
State Bank of India Road,
Mayiladuthurai, Nagapattinam District.

2. The Sub Registrar,
Kollidam Sub Registrar Office,
Nagapattinam District.

3. M. Rajakumari

.. Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the first respondent to dispose of the petitioner's representation dated 20.03.2016 pending before the first respondent under section 87 of the Registration Act, within the time stipulated by this Court.

For Petitioner : Mr. S. Sounthar

For Respondents : Mr. Stalin Abhimanyu, GA - R1 & R2

Mr. S. Mohana Sundarrajan - R3

ORDER

According to the petitioner, an immovable property in Re survey no.347/2, New survey no.347/20 measuring to an extent of 0.3.5 ares situated at Railway Feeder Road, Kollidam village, Sirkazhi Taluk, was originally purchased by one Karuppayee



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Aachi, who is the mother-in-law of the petitioner. After her death, the said property was derived to the petitioner's husband and after his death, the petitioner has been enjoying the same without any hindrance from any quarters. All the revenue records stand in her name and she is regularly paying the taxes to the concerned authorities in respect of the said property. While so, due to family dispute, the petitioner filed a suit in OS.No.34 of 2010 before the Additional Sub Court, Mayiladuthurai, for the relief of partition against her daughter-in-law and others, and the suit was decreed on 12.07.2011 in favour of the petitioner. Suppressing the said decree, her daughter-in-law intended to sell the said property including the petitioner's share by executing a sale deed bearing document no.130/2016 dated 11.02.2016 in favour of one Alaivasagan. After coming to know about the same, the petitioner raised an objection to the second respondent through legal notice dated 11.03.2016, to which, the second respondent sent a reply stating that if the document is in proper, they are unable to curtail the registration process and hence, the petitioner was advised to approach the competent civil court for appropriate remedy. Aggrieved over the same, she submitted a detailed representation dated 20.03.2016 to the first respondent requesting to initiate enquiry under Section 87 of the Registration Act and to cancel the said sale deed in respect of the subject property. However, the said representation was not considered till date. Therefore, the petitioner has come up with this writ petition seeking appropriate direction to the first respondent in this regard.

2. Today when the matter came up for consideration, the learned counsel appearing for the respondents submitted that subsequent to the filing of this Writ Petition, the petitioner's representation dated 20.03.2016 was considered and was ultimately, rejected by the respondent authorities and hence, nothing survives for further adjudication in this writ petition.

3. In reply, the learned counsel appearing for the petitioner submitted that no such order was communicated to the petitioner. Hence, he requested to serve a copy of the said order to the petitioner to work out further remedy.

4. In view of the above submissions made by the learned counsel appearing on either side, this Court directs the respondents to serve a copy of the order passed on the representation of the petitioner dated 20.03.2016 within a period of one week from the date of receipt of a copy of this order. It is open to the petitioner to challenge the same in the manner known to law, if so advised.



5. Accordingly, the writ petition stands disposed of. No costs.

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Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

msr

To

1. The District Registrar,
Mayiladuthurai Registration Office,
State Bank of India Road,
Mayiladuthurai, Nagapattinam District.
2. The Sub Registrar,
Kollidam Sub Registrar Office,
Nagapattinam District.

+1cc to Mr.S.Sounthar, Advocate, S.R.No.45425

W.P. No.13028 of 2016

RSV(CO)
PM/25/10/2021