

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2021

CORAM: JUSTICE N.SESHASAYEE

WP.No.5427 of 2021

B.Nirmala

...Petitioner

-Vs-

1.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai - 600 004.

2.The District Registrar,
Tiruppur.

3.The Sub Registrar,
Palladam, Sub Registrar Office,
Tiruppur District.

4.Mr.Manickam

5.Mr.Easwaran

6.Mrs.Rukmani

7.Mr.Subramaniam

8.Mrs.Vasantha

9.Mrs.Janaki

....Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to consider the petitioner's representation dated 05.12.2020 and consequently direct the 3rd respondent to conduct an enquiry prior to registration relating to property at No.25, REB2, Ward No.2, Asst.No.493 Palladam Town, Tiruppur District.

For Petitioner : Mr.B.Manimaran

For R1 to R3 : Mr.T.M.Pappiah
Special Government Pleader

ORDER

The petitioner claims that she is a co-owner of a piece of property in Sy.No.352/4A correlated to Resurvey No.533/2 measuring an extent of 5.5 cents. She claims that she has 1/6th share in the property. According to her, some of the co-sharers

who she describes as respondents 4 to 9 are attempting to alienate the property. Hence, she has filed a representation styled as protest petition to the Sub Registrar/third respondent to consider her representation.

2.Mr.T.M.Pappiah, learned Special Government Pleader entered appearance for respondents 1 to 3.

3.Prima facie, this Court considers that the petitioner has entertained an element of misconception about the authority of the Sub Registrar. The Sub Registrar may not have the authority to decide on the right or title of the parties. Secondly, a co-owner does not have any right to restrain the other co-owner from alienating his share of the property. Ultimately, this Court is of the considered view that if there is any dispute as to title the matter can be resolved only before a civil Court.

4.Subject to what is stated herein above, the Sub Registrar may consider the representation of the petitioner for the limited purpose of holding an enquiry contemplated under Section 34 of the Registration Act and no more.

5.The Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Tsg
To

1.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai - 600 004.

2.The District Registrar,
Tiruppur.

3.The Sub Registrar,
Palladam, Sub Registrar Office,
Tiruppur District.

+1cc to M/s.B.Manimaran, Advocate Sr.14556
+1cc to the Government Pleader Sr.15187

W.P.No.5427 of 2021

sj[co]
srg 22/03/2021