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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2021

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.23189 of 2021

and

W.M.P.No.24492 of 2021

R.Vijaya

...Petitioner

Vs

1. The District Registrar (Admin), Chennai South  
Office of the District Registrar,  
Integrated Building for Offices of the Commercial  
Taxes and Registration Department,  
Fanepet, Nandanam,  
Chennai - 600 035.

2. The Sub-Registrar,  
Pallavaram,  
Office of the Sub-Registrar of Pallavaram,  
7<sup>th</sup> Main Road, New Colony  
Chrompet, Jameen Pallavaram,  
Chennai - 600 044.

3. G.Meena

...Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the second respondent from registering any document for the property at S (Sunnambu) Kolathur Village (Madipakkam 2), Viduthalai Nagar, Sholinganallur Taluk, formerly Kancheepuram District, presently under Chennai District, comprised in Survey Field No.390/184A, as per Patta No.18175, previously part of Old Survey Number 390/184 and before that part of Old Survey Field Numbers 390/1A2 and 390/1A3, bearing Plot Number 130 in 8<sup>th</sup> Street, Chennai - 600 129 in the approved layout of LPDM/DTCP No.12/75, measuring an extent of 2400 Square feet, pending disposal of the suit in O.S.No.383 of 2021.



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For Petitioner : Mr.C.P.Hempkumar  
for M/s.Ganesh and Ganesh

For Respondents : Mr.A.Selvendran  
Government Advocate (for R-1 & R-2)

#### ORDER

This writ petition is filed to issue a Writ of Mandamus, forbearing the second respondent from registering any document for the property at S (Sunnambu) Kolathur Village (Madipakkam 2), Viduthalai Nagar, Sholinganallur Taluk, formerly Kancheepuram District, presently under Chennai District, comprised in Survey Field No.390/184A, as per Patta No.18175, previously part of Old Survey Number 390/184 and before that, part of Old Survey Field Numbers 390/1A2 and 390/1A3, bearing Plot Number 130 in 8<sup>th</sup> Street, Chennai - 600 129 in the approved lay-out of LPDM/DTCP No.12/75, measuring an extent of 2400 Square feet, pending disposal of the suit in O.S.No.383 of 2021.

2. The case of the petitioner is that the property comprised in Survey Field No.390/184A as per Patta No.18175, previously part of Old S.No.390/184 and before that part of Old Survey Field Nos.390/1A2 and 390/1A3, bearing Plot No.130 situated at 8<sup>th</sup> Street, Chennai - 600 129 ad-measuring an extent of 2400 Sq.Ft from approved lay-out of LPDM/DTCP No.12/75, was purchased by the petitioner, by the registered sale deed dated 01.07.2019, vide Document No.5951 of 2019. The vendors of the said property derived title by way of settlement deed by their mother viz., A.Indirani Ammal dated 15.05.2019, registered vide Document No.4260 of 2019. The said A.Indirani Ammal claimed title by way of sale deed dated 07.05.1982, registered vide Document No.1903 of 1982 purchased from one Dhanabaghiammal through her Power Agent, viz., the third respondent herein. While purchasing the said plot, the petitioner had verified all the parent documents and Encumbrance Certificate from 01.01.1975 to 21.01.2019. While that being so, the third respondent lodged a complaint before the first respondent alleging that she never executed any sale deed in favour of the said A.Indirani Ammal dated 07.05.1982 registered vide Document No.1903 of 1982. On receipt of the same, the second respondent conducted detailed enquiry, after issuance of notice to the petitioner and thereby, annulled the sale deed, dated 01.07.2019 executed in favour of the petitioner.

3. From the above said enquiry, it reveals that the Document No.1903 of 1982, as per the records, was executed by one Ponnammal and her left Thumb impression is found in the Register. That apart, the subject property in the said document is situated at Keelkatalai Village and it is no way connected



with the subject property. Therefore, the said A.Indirani Ammal had no title over the property to execute any settlement deed in favour of her daughters. Aggrieved by the same, the petitioner also filed an appeal before the Inspector General of Registration, Chennai and it is pending. While pending the said appeal, the petitioner also filed a suit in O.S.No.383 of 2021 on the file of the Principal District Court, Chengalpattu for following reliefs:-

"a) declaring that the title, ownership, possession and rights acquired by the plaintiff through the sale deed dated 01.07.2019, registered as document number 5951 of 2019 in the office of the Sub-Registrar of Pallavaram over the property which is situated at S (Sunnambu) Kolathur Village (Madipakkam 2), Viduthalai Nagar, Sholinganallur Taluk, Chennai District, formerly under Kancheepuram District, comprised in Survey Field No.390/184, as per Patta No.18175, Old Survey Field Number 390/1A2 and 390/1A3, bearing Plot Number 130 in 8<sup>th</sup> Street, Chennai - 600 129 in the approved layout of LPDM/DTCP No.12/75, measuring an extent of 2400 square feet and morefully described in the schedule to this plaint is valid, property and marketable in law;

b) to declare that the order passed by the 5<sup>th</sup> defendant, District Registrar, dated 23.07.2021, bearing reference number Na.Ka.No.138/E2/2020 is null and void abinitio and not binding on the plaintiff as the same has been passed exceeding the jurisdiction conferred by the Indian Registration Act, relating to the title of the plaintiff over the suit property;

c) of permanent injunction restraining the 1<sup>st</sup> defendant her men, agents, servants, representatives or any person claiming through her either directly or indirectly from causing any disturbance to the peaceful and exclusive use, possession, ownership and rights of the plaintiff over the suit schedule property;

d) to direct the defendants to pay the costs of this suit and

e) to pass such further or other orders as this Honourable Court may deem fit and property in the circumstances of this case and thus render justice."



4. The petitioner filed the said suit when the said appeal is pending against the very same impugned proceedings. While pending the appeal and the suit, the present Writ Petition has been filed, forbearing the second respondent registering any document from the subject property pending disposal of the suit in O.S.No.383 of 2021. Such a prayer made in the Writ Petition is not maintainable, since already the suit is pending challenging the order passed by the first respondent and also for consequential prayers. Therefore, this Writ Petition is devoid of merits and it is liable to be dismissed.

5. In the result, this Writ Petition is dismissed. However, the petitioner is at liberty to approach the Civil Court for appropriate relief by the interlocutory application. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-  
Assistant Registrar

True Copy//

Sub Assistant Registrar

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To

1. The District Registrar (Admin), Chennai South  
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Integrated Building for Offices of the Commercial  
Taxes and Registration Department,  
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7<sup>th</sup> Main Road, New Colony  
Chrompet, Jameen Pallavaram,  
Chennai - 600 044.

+2ccs to M/s.Ganesh and Ganesh, Advocate Sr.No.57546(27/12/2021)  
+1cc to the Government Pleader, S.R.No.57867

W.P.No.23189 of 2021

KG[co]  
NSK 02/12/2021