



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD) No.8029 of 2021  
(Through Video Conference)

Vijai Sundar

...Petitioner

Vs.

1) The Inspector General of Registration,  
100, Santhome High Road,  
Chennai 600 028

2) The Sub Registrar,  
Kadayam Registration Office,  
Kadayam, Tenkasi District.

3) VGP Evergreen Plantation Ltd.,  
No.6, Dharmarajakoil Street,  
VGP Square, Saidapet, Chennai 15

.... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, forbearing the 2nd respondent from registering the lands from survey numbers 260(1) and survey number 260(3), Kadayam Perumbathu Village without dividing the share purchased by petitioner's grandfather vide document no.1307/1964.

For Petitioner : Mr.T.A.Ebenezer

For RR 1 & 2 : Mr.K.Sathiya Singh,  
Additional Government Pleader

### **O R D E R**

This Writ Petition has been filed for the issue of Writ of Mandamus directing the second respondent to consider the protest petition made by the petitioner on 30.03.2021 before entertaining any documents for registration pertaining to the subject property.

2. The case of the petitioner is that his grand father purchased a larger extent of property consisting 1/8th share out of 4 acres and 36 cents in S.Nos.260(1) and 260(3) in the year 1964. According to the petitioner, the third respondent is attempting to sell the entire property including the share purchased by the grand father of the petitioner. According to the petitioner, he has now



become the owner of the subject property.

3. The petitioner, therefore made a protest petition before the second respondent requesting the second respondent not to entertain any documents pertaining to the subject property without considering the protest petition. Since the same was not considered, the present writ petition has been filed before this Court.

4. Heard Mr.T.A.Ebenezer, learned counsel for the petitioner and Mr.K.Sathiya Singh, learned Additional Government Pleader for the respondents 1 and 2.

5. In the considered view of this Court, the petitioner ought to have taken steps to conduct a survey and for the sub division of the property. By undertaking this exercise, the petitioner will atleast be able to demarcate his portion of the property and it will be easier for the third respondent to identify their portion of the property and deal with the same. Admittedly, the entire property is now remaining undivided and therefore, there is a confusion in dealing with the property.

6. The petitioner shall take immediate steps to make an application before the concerned Revenue Department seeking for survey and sub division of the property based on the title deeds. The petitioner shall also make a fresh representation before the second respondent along with all the relevant documents and also a copy of this order. As and when any document is presented for registration before the second respondent pertaining to the subject property, the second respondent shall conduct an enquiry and ensure that the property dealt with by the third respondent does not cover the property owned by the petitioner. The petitioner shall parallelly move the Revenue Department seeking for survey and sub division.

7. This Writ Petition is disposed of with the above directions. No costs.

Sd

ASSISTANT REGISTRAR ( A.S.)

TRUE COPY

/05/2021

SUB ASSISTANT REGISTRAR ( CS )

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,  
100, Santhome High Road, Chennai 600 028

2) The Sub Registrar,  
Kadayam Registration Office,  
Kadayam, Tenkasi District.

1CC TO THE SPL GOVT PLEADER SR 16699

TR  
03/05/2021  
3P/4C

Order made in

**W.P. (MD) No.8029 of 2021**