



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.04.2021

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.8736 of 2021

Ammapillai

... Petitioner

Vs.

The Sub Registrar,
Registration Department,
Thiruppuvanam sub Registration Office,
Thiruppuvanam,
Sivagangai District.

... Respondent

Prayer: Writ petition is filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the respondent to conduct preliminary enquiry while admitting any document for registration in respect of the landed properties comprised in Survey Nos.42/1C,45/2,44/4 of Madappuram Village, Thiruppuvanam, Sivagangai District and the landed properties comprised in Survey Nos.202/1B, 5/6,6/2 119/1, 119/2A, 134/6, 134/3, 107/7A, 107/7 and 6/2 of Nelmudikkarai Village, Thiruppuvanam Taluk, Sivagangai District on the basis of the petitioner's representation, dated 02.03.2021.

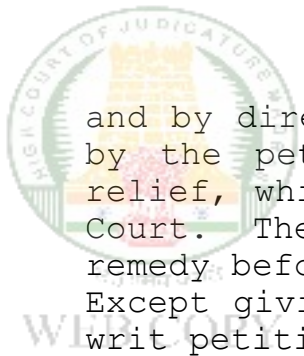
For Petitioner	: Mr.J.Lawrance
For Respondent	: Mr.K.Sathiya Singh
	Additional Government Pleader

ORDER

This writ petition has been filed for the issuance of writ of mandamus, directing the respondent to conduct an enquiry, based on the representation made by the petitioner, on 02.03.2021, wherein, the petitioner has objected to the registration of any document pertaining to the subject properties.

2.Heard Mr.J.Lawrance, learned counsel for the petitioner and Mr.K.Sathiya Singh, learned Additional Government Pleader, for the respondent.

3.In the considered view of this Court, there is already a suit pending in O.S.No.54 of 2018, filed by the petitioner, before the Sub Court, Sivagangai, seeking for the relief of partition. If there is any apprehension that the properties are being alienated and third party rights are created, the petitioner will have to approach the competent Civil Court and seek for the necessary interim orders. The petitioner having failed to do so, cannot parallelly move the respondent and stop the respondent from registering the documents pertaining to the subject properties. The respondent cannot be prevented from performing his statutory duty



and by directing the respondent to consider the representation made by the petitioner, this Court will be indirectly entertaining a relief, which the petitioner failed to get from the competent Civil Court. Therefore, it is left open to the petitioner to work out her remedy before the concerned Civil Court, where, the suit is pending. Except giving this liberty, no further orders can be passed in this writ petition.

4.This writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

To
The Sub Registrar, Registration Department,
Thiruppuvanam sub Registration Office,
Thiruppuvanam, Sivagangai District.

+1 CC to M/s. Additional GP (SR-18056[F] dated 29/04/2021)

+1 CC to M/s.J.LAWRANCE, Advocate (SR-18009[F] dated 29/04/2021)

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DKS (CO)
KB(08.06.2021) 2P 4C