



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :03.08.2021

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.13247 of 2021

Muniyammal

... Petitioner

Vs.

1.The Sub Registrar,
Vellipattinam Sub Registrar Office,
Ramanathapuram District.

2.Kadirvel

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to consider the petitioner's representation for restraining the 2nd respondent and his legal heir from registering the sale deed regarding petitioner property comprised in Survey No.74/2, Rengunathapuram Revenue Village, Keelakarai Taluk, Ramanathapuram District.

For Petitioner : Mr.Vairam Santhosh.G.V.

For Respondents : Mr.R.Baskaran,
Counsel for State for R1

ORDER

The petitioner seeks a direction to the first respondent to consider his representation dated 28.06.2021 to restrain the registration of sale deeds in respect of the property in Survey No.74/2, Reghunathapuram, Revenue Village, Keelakarai Taluk, Ramanathapuram District.

2. According to the petitioner, the property bearing Survey No.74/2 originally belonged to her mother and aunt. The petitioner claims that she inherited the property on the demise of the original owners. The petitioner alleges that the second respondent had unlawfully mutated the revenue records and obtained a patta by indulging in forgery. Consequently, the petitioner states that she approached the Revenue Divisional Officer so as to challenge the issuance of patta in favour of the second respondent. It is stated that a revision petition against the order of the Revenue Divisional Officer is pending on the file of the District Revenue Officer, Ramanathapuram. In these circumstances, the petitioner states that a representation has been submitted on 28.06.2021 to the first respondent and the present writ petition is filed on account of the failure to take any action on the said representation.



3. Mr.R.Baskaran, learned counsel for the State, accepts notice on behalf of the first respondent herein. He states that the first respondent may be directed to consider and dispose of the petitioner's representation.

4. The grounds on which the registration of documents may be refused by the registration authority are specified in the Registration Rules. The settled legal position is that the registration authorities cannot decide questions of title and parties should be relegated to the civil court in respect thereof.

5. Subject to the aforesaid observations and without going into the merits of the matter, the first respondent is directed to consider the petitioner's representation dated 28.06.2021 and dispose of the same by a reasoned order after providing a reasonable opportunity of hearing both to the petitioner and to the second respondent herein. Such reasoned order shall be passed within a period of two (2) months from the date of receipt of this order. On account of the fact that the merits of the matter have not been gone into and the first respondent is directed to hear the parties before passing orders, the writ petition is being disposed of without notice to the private respondents.

6. W.P.(MD).No.13247 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg

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:

The Sub Registrar,
Vellipattinam Sub Registrar Office,
Ramanathapuram District.

+1 CC to M/s.GP (SR-25180[F] dated 04/08/2021)

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RD(11.08.2021) 2P 3C

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