



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.08.2021

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P. (MD) .No.14189 of 2021

K.Padmavathi

... Petitioner

Vs.

1.The District Registrar,
Theni District,
Theni.

2.The District Revenue Officer,
Theni District,
Theni.

3.The Sub Registrar,
Sub Registrar Office,
Theni,
Theni District.

4.The Tahsildar,
Theni Taluk Office,
Theni.

5.The Village Administrative Officer,
Village Administrative Office,
Vadaveeranayakkanpatti,
Theni District.

6.S.C.Balakrishnan

... Respondents

Prayer:

Writ petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, forbearing the 1st & 3rd respondents to register any documents in respect of the petitioner's properties comprised in Survey Nos.1238/1C, 1239/1C, 1240/2C & 1241/2J3, Patta No.2525 to an extent of 1 Acre 9 Cents situated at Vadaveeranayakkanpatti Village, Theni Taluk, Theni District, by considering the petitioner's representation, dated 03.08.2021.

For Petitioner : Mr.S.Vikram
For R1 to R5 : Mr.R.Baskaran
Counsel for State



ORDER

The petitioner seeks to prevent the registration of documents in respect of the properties bearing Survey Nos.1238/1C, 1239/1C, 1240/2C and 1241/2J3, ad-measuring 1 Acre and 9 Cents at Vadaveeranayakkanpatti Village, Theni Taluk, Theni District.

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2.The petitioner claims to have purchased the properties comprised in the aforesaid survey numbers through a registered sale deed bearing Document Nos.6026/05 and 6027/05 both dated 03.11.2005. It is also stated that the petitioner has obtained a patta in her favour. A copy of such patta is enclosed with the writ petition. According to the petitioner, the sixth respondent herein is disturbing the petitioner's possession and enjoyment of above mentioned properties. Therefore, the petitioner filed a suit in O.S.No.78/2014 before the District Munsif Court, Periyakulam, Theni District. The said suit is said to be pending as on date.

3.Meanwhile, on the basis of the apprehension that the sixth respondent may execute deeds of conveyance in relation to the said properties or encumber the same in some manner, a representation was submitted to respondents 1 to 5 on 03.08.2021 requesting them not to register any documents in respect of the said properties. The present Writ Petition is filed on account of the alleged failure of the official respondents to take action on the petitioner's representation.

4.If the person with interest in an immovable property intends to object to any other registrations in respect thereof, such person may lodge a protest petition before the Sub Registrar concerned. In the case at hand, the petitioner has submitted a representation on 03.08.2021. Upon receipt thereof, the Sub Registrar is under an obligation to consider the said objection and pass a reasoned order thereon.

5.Mr.R.Baskaran, learned counsel for the State, accepts notice for respondents 1 to 5. He submits that the petitioner's representation may be directed to be disposed of within a reasonable time frame.

6.Accordingly, without going into the merits of the matter, the third respondent herein is directed to consider the petitioner's objections and dispose of the same by a reasoned order in accordance with law after providing a reasonable opportunity to the petitioner, the sixth respondent and any other person claiming interest in the properties. Such reasoned order shall be passed within a period of two (2) months from the date of receipt of a copy of this order. On account of the fact that the third respondent has been directed to hear the sixth respondent before taking a decision, this Writ Petition is disposed of without notice to such respondent.



7.W.P.(MD).No.14189 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (CS I)

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// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

- 1.The District Registrar,
Theni District, Theni.
- 2.The District Revenue Officer,
Theni District, Theni.
- 3.The Sub Registrar,
Sub Registrar Office,
Theni, Theni District.
- 4.The Tahsildar,
Theni Taluk Office, Theni.
- 5.The Village Administrative Officer,
Village Administrative Office,
Vadaveeranayakkanpatti,
Theni District.

W.P. (MD) .No.14189 of 2021

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RS (24.08.2021) 3P 6C