



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.11.2021

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.18176 of 2021

R.Packia Lakshmi

... Petitioner

Vs.

1.The District Registrar,
Tuticorin Registrar Office,
No.29, Masilamanipuram 3rd Street,
Tuticorin - 628 002.

2.The Sub-Registrar,
Perungulam Sub-Registrar Office,
No.3/4, Sivan Kovil Street,
Perungulam - 628 752,
Tuticorin District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to enquire and to take action on the basis of representation dated 07.07.2021.

For Petitioner : Mr.B.Charmurugan
For Respondents : Mr.S.Shanmugavel,
Special Government Pleader.

ORDER

This Writ Petition has been filed in the nature of Mandamus directing the respondents / the District Registrar, Tuticorin Registrar Office and the Sub-Registrar, Perungulam Sub-Registrar Office to inquire and to take action on the basis of representation given by the petitioner on 07.07.2021.

2. In the said representation dated 07.07.2021, the petitioner has requested that the second respondent should not register any further documents based on a settlement deed which has been registered as Document No.96/2018 in the office of the second respondent. The petitioner has an apprehension that Saravana Kumar, would create document and register the same which would directly affect her rights in the mortgage deed.

3. This is purely a civil issue and if any such relief is sought, the petitioner has to go only before the competent Court, placing before the Court her rights and therefore on the basis of such rights claim an order to restrain any further alienation or creation of encumbrance over the said property. The Writ Court cannot grant any such direction. The Sub-Registrar is placed under an obligation to register any document lawfully presented on payment of stamp duty and necessary registration charges. Liberty is



therefore given to the petitioner herein to approach the competent civil Court for appropriate relief. The order passed in the Writ Petition may not stand in the way of the petitioner seeking such relief before the competent civil Court .

4. Mr.S.Shanmugavel, learned Government Advocate, takes notice for respondents.

5. With the said observations, this Writ Petition is disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (CRL)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Lm/Nsr

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 District Registrar,
Tuticorin Registrar Office,
No.29, Masilamanipuram 3rd Street,
Tuticorin - 628 002.

2.The Sub-Registrar,
Perungulam Sub-Registrar Office,
No.3/4, Sivan Kovil Street,
Perungulam - 628 752,
Tuticorin District.

+1 CC to M/s.SPL.GP (SR-34079[F] dated 11/11/2021)

+1 CC to M/s.B.CHAR MURUGAN, Advocate (SR-34058[F] dated 11/11/2021

W.P (MD) No.18176 of 2021
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SVN(CO)
KB(19.11.2021) 2P 5C