



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.12.2021

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD) .No.19537 of 2021

V.Thulasiammal

... Petitioner

Vs.

- 1.The District Registrar,
Office of the District Registrar,
Masilamanipuram,
Thoothukudi,
Thoothukudi District.
- 2.The Sub Registrar,
Office of the Sub Registrar,
Kalagumalai Sub Registration Office,
Thoothukudi District.
- 3.Karuppayee
- 4.Radhakrishnan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, by directing the second respondent to dispose of petitioner's representation dated 30.09.2021 by passing suitable orders in accordance with law as per section 77 A of the Registration Act (amended) 1908 within the time stipulated by this Court.

For Petitioner : Mr.J.Vijayan
For R-1 and R-2 : Mr.S.Kameswaran
Government Advocate
For R-3 and R-4 : Mr.P.Ranjithraja

ORDER

Mr.S.Kameswaran, learned Government Advocate takes notice on behalf of respondents 1 and 2 and Mr.P.Ranjithraja, learned Counsel takes notice for respondents 3 and 4.

2. This Writ Petition has been filed in the nature of Mandamus seeking disposal of a representation dated 30.09.2021 in



accordance with Section 77 A of the Registration Act as amended, 1908.

3. The writ petitioner had stated that to protect the ancestral property in Survey No.1086-15A, which measures about 21 cents, the petitioner wanted to lay fence. At that particular point of time, it was found in the revenue records that the name of the third respondent Karuppayee, who is the sister of the petitioner's husband had been entered in the patta. The petitioner had therefore filed an appeal before the Revenue Divisional Officer, Tirunelveli on 09.01.2018.

4. A representation was given by the petitioner to the second respondent/the Sub-Registrar, Kalagumalai Sub Registration Office, Thoothukudi District. The third respondent had executed a settlement deed on 04.08.2021 in favour of the fourth respondent. It had been stated that such execution of settlement deed was done even when the appeal was pending. It is under these circumstances, the Writ Petition came to be filed.

5. Now, an additional affidavit had also been filed by the petitioner that after giving a representation, the petitioner had also filed O.S.No.235 of 2021 before the District Munsif Court, Sankarankovil. It will only be appropriate that all the issues raised are settled during the course of the said suit.

6. I am making it very clear that I am not examining the claims of either the petitioner or the third and fourth respondents but would relegate such right to the learned District Munsif, Sankarankovil to examine the pleadings in O.S.No.235 of 2021 and thereafter, take a considered decision after framing of necessary issues. If the petitioner is of the opinion that further pleadings are required, necessary application may be filed in that regard and the learned District Munsif may consider the same in manner known to law.

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

Sd/-

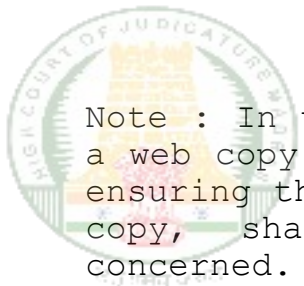
Assistant Registrar (CS-I)

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/ /2021

Sub Assistant Registrar(CS)

Nsr/Lm



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.

WEB COPY

- To
1. The District Munsif, Sankarankovil
 - 2.The District Registrar,
Office of the District Registrar,
Masilamanipuram,
Thoothukudi,
Thoothukudi District.
 - 3.The Sub Registrar,
Office of the Sub Registrar,
Kalagumalai Sub Registration Office,
Thoothukudi District.

+1 CC to M/s.SPL GP (SR-37915[F] dated 09/12/2021)

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RD(21.12.2021) 3P 5C