



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 01.02.2022

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.28631 of 2019

Saroja

... Petitioner

vs.

The Sub Registrar
O/o. The Sub Registrar, Aanaimalai,
Aanaimalai, Pollachi.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent not to register any document, without giving any opportunity to the petitioner, in respect of DTP Approval for the lands in Survey No.719, 722, 723, 724 in the year 1976 vide L.P.(CN)/R No.75/76 and in Survey No.719, 722, 723, 724 in the year 1982 vide L.P.(CN)/R No.47/82 at Malayandipattinam, Kottur, Pollachi, Coimbatore, based on circular in Na.Ka.No.39708/C1/2018 dated 05.10.2018, by considering the petitioner's representation dated 15.11.2018.

For Petitioner : Mr.S.Saravanan

For Respondent : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

This writ petition has been filed to issue a Writ of Mandamus, directing the respondent not to register any document, without giving any opportunity to the petitioner, in respect of DTP Approval for the lands in Survey No.719, 722, 723, 724 in the year 1976 vide L.P.(CN)/R No.75/76 and in Survey No.719, 722, 723, 724 in the year 1982 vide L.P.(CN)/R No.47/82 at Malayandipattinam, Kottur, Pollachi, Coimbatore, based on circular in Na.Ka.No.39708/C1/2018 dated 05.10.2018, by considering the petitioner's representation dated 15.11.2018.



2. The case of the petitioner is that her grandfather owned several properties. The said properties have been settled by the petitioner's father comprised in S.No.1497 under Patta No.400 ad-measuring to an extent of 32.15 acres to his second wife by a Settlement Deed dated 13.12.1953 registered vide Document No.4013/1953. After demise of her father, the second wife of the petitioner's father also died intestate on 15.09.1996. The petitioner, her mother and her two sisters are the only legal heirs of the deceased second wife of her father. Accordingly, they inherited the property and approached the respondent to transfer the said property in their names. However, they were directed to approach the Civil Court for appropriate remedy and accordingly, they filed suit in O.S.No.360 of 2012 on the file of the learned District Munsif of Pollachi for declaration to declare that they are the legal heirs of the deceased second wife of her father. The said suit was decreed by the judgement and decree dated 08.06.2013. Her grandmother settled the property in favour of the second wife of her father by the Settlement Deed registered vide Document No.903/1968. Thereafter, the second wife of the petitioner's father had got DTP Approval and formed layout. Thereafter, she died and none of her DTP approved house plots were sold out. Thereafter, on suppressing the above facts some of the 3rd parties in Malayandipattinam Village, were tried to get bogus patta for the DTP approved property and also attempted to sell the said property. As if, the said lands are classified as 'Natham Kudiyiruppu'. Therefore, the petitioner submitted representation dated 15.11.2018 before the respondent not to register any documents in respect of the property under DTP approval comprised in S.Nos.719, 722, 723 and 724 situated at Malayandipattinam, Kottur, Pollachi, Coimbatore District.

3. On perusal of the counter affidavit filed by the respondent, revealed that one late Chellamuthu Gounder settled the subject properties comprised in R.S.Nos.719, 722, 723 and 724 situated at Malayandipattinam Kottur, Pollachi Taluk, Coimbatore District, registered vide Document No.903/1968. These properties are now classified as 'Natham Kudiyiruppu' and the registration of documents are done by several holders of these properties. The petitioner is one of the legal heirs of her step mother viz., the second wife of her father. However, the revenue records in respect of the suit property has not been sub divided in the name of the petitioner. Unless the petitioner obtained patta in respect of the subject land, she cannot make any protest as against the registration of any documents in respect of the said property. Further, the enquiries on the baseless protest petition will lead to mental agony and harassment to the innocent title holders. Therefore, the protest petition submitted by the petitioner dated 15.11.2018 cannot be considered and the writ petition is devoid of merits and it is liable to be dismissed.



WEB COPY

4. Accordingly, the writ petition is dismissed. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

dm

To

The Sub Registrar
O/o. The Sub Registrar, Aanaimalai,
Aanaimalai, Pollachi.

+1 cc to Mr.R.Shanmugam, Advocate Sr.NO. 6259
+1 cc to Government Pleader Sr.NO. 5895

W.P.No.28631 of 2019

kk(CO)
A.SK(23.02.2022)