



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.02.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.5605 of 2009

&

W.M.P.Nos. 1 and 2 of 2009

Minor M.Daisy
rep.by her mother and Natural Guardian
M.Leema Rose
Vs.
... Petitioner

1. The Sub Registrar,
Sulur Sub Registrar Office,
Sulur, Coimbatore District.

2. Senniappan

3. Ramathal
... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, restraining the first respondent from registering any documents or creating any encumbrance over the property situated in S.F.No.483/3B1 measuring an extent of 5.43 acres in Karumathampatty Village, Sulur Taluk, Coimbatore District.

For Petitioner : Mr.Mahesh for M/s.R.N.Amarnath

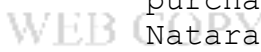
For R1 : Mr.Yogesh Kannadasan
Special Government Pleader

For R2 : Mr.Hemalatha for C.Prakasam

For R3 : Mr.G.B.Saravana Bhavani

O R D E R

This Writ Petition has been filed seeking for the issuance of a Writ of Mandamus, restraining the first respondent from registering any documents or creating any encumbrance over the property situated in S.F.No.483/3B1 measuring an extent of



2. The case of the petitioner is that the petitioner purchased a property from third respondent/power agent namely Natarajan, for a sale consideration of Rs.1,08,60,000/-, vide sale deed dated 28.11.2006, registered on the file of the Sub Registrar, Suler Taluk, Coimbatore District, pursuant to which, the seller delivered possession of the property to the petitioner's husband and the parent documents were also delivered to him. Prior to the sale deed, there were a lot of disputes between the respondents with regard to the title of the property and the same ended up before the Supreme Court. The Hon'ble Supreme Court categorically held that the title belongs to the third respondent. Thereafter, the petitioner purchased the property. While so, the second and third respondents are indulging in mysterious activities to defeat the property rights held by the petitioner. They presented the document for alienating the property before the first respondent. Hence, this Writ petition is filed with the above said prayer.

3. The learned counsel appearing for the petitioner submitted that at the time of filing of the Writ Petition there was an apprehension that the second and third respondents may present the document before the first respondent. However, subsequent to the filing of the writ petition, the second and third respondents transferred the patta in their names and the second respondent issued a settlement deed in favour of his daughter. In view of the above, this Court may issue appropriate direction to the first respondent not to entertain any document at the instigation of the private respondents.

4. The learned Special Government Pleader appearing on behalf of the respondent submitted that as on date no document has been presented before the first respondent, and even if presented, the prayer sought in this petition cannot be granted, as any document which is presented before the first respondent the first respondent is bound to register the document in terms of Registration Act, except under Sections 71 and 76 where the document can be refused to be registered.

5. Considering the facts and circumstances, the petitioner on mere apprehension, has filed the present writ petition, however, subsequently, he claims that the patta was transferred in his daughter's favour by the second and third respondent and there was settlement deed executed by the second respondent in favour of his daughter. In any event, the grievances expressed by the petitioner can be ventilated only in the civil forum or before the authorities and not before this Court. Hence the prayer sought for cannot be granted. However,



petitioner is at liberty to work out his remedies in the manner known to law.

6. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

Psa/Anu

To

The Sub Registrar,
Sulur Sub Registrar Office,
Sulur, Coimbatore District.

+1cc to M/s.G.B.Saravanabhavan, Advocate, S.R.No.8942

+1cc to the Government Pleader, S.R.No.9551

W.P. No.5605 of 2009

PMK (CO)
SU (23/03/2022)