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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.27337 of 2013
and MP.No.1 of 2013

1. Janaki
2. Selvi
3. Latha

... Petitioners

Vs.

1. The Inspector General of Registration,
Santhome High Road,
Chennai-28.

2. The District Registrar,
Krishnagiri District.

3. The Sub Registrar,
Pochampalli,
Pochampalli Taluk,
Krishnagiri District.

4. S.P.Raman

5. Sakundala

6. Sarasu

7. Subbramani

8. R.Perumal

...Respondents

The writ petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, to call for the records relating the communication of the 3rd respondent dt 30.8.2013 in objection application No.27 of 2013 to quash the same and consequently direct 3rd respondent to annul the sale deed dt 28.9.1994 registered as document No.1055 of 1994 and Release Deed dt 1.6.2012 registered as Document No.1448 of 2012 on the file of the 3rd respondent and delete the entries in the encumbrance certificate and its records in respect of the same.

For Petitioner : Mr.C.Prabakaran



For Respondents : Mr.Yogesh Kannadasan (for R1 to R3)
Special Government Pleader

ORDER

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This Writ Petition has been filed to quash the the communication of the 3rd respondent dt 30.8.2013 in objection application No.27 of 2013 and consequently direct 3rd respondent to annul the sale deed dt 28.9.1994 registered as document No.1055 of 1994 and Release Deed dt 1.6.2012 registered as Document No.1448 of 2012 on the file of the 3rd respondent and delete the entries in the encumbrance certificate and its records in respect of the same.

2. The case of the petitioner is that the petitioner is the wife of one Late.Krishnan, who is one of the legal heir of one Perumal. The properties comprised in S.Nos.948A/1, 948A/5, 948/1A, 949/1B, 949/1C, 949/1D, 949A/1E, 949A/2D cents of land along with other properties situate at Kattagaram Village, Pochampalli Taluk, Krishnagiri District belong to one Perumal and he died leaving intestate his sons viz., S.P.Venkatesan, S.P.Raman, S.P.Krishnan, S.P.Chinnasamy and S.P.Palaniammal as his legal representatives of the said deceased Perumal. Till date, there is no partition took place between the legal heirs.

3. That being the situation, after demise of the first petitioner's husband, in order to grab the property, the respondents 4 to 8, have executed a deed of release by relinquishing the shares in the properties referred above and made the private respondents are the absolute owners of the land. The said release deed also liable to be annulled on the ground of fraud and abuse of process of law. Therefore, the petitioners made a representation to the respondents 1 to 3 to cancel all the documents which are registered by the private respondents, for which, the respondents passed the impugned order dated 30.08.2013. Challenging the the order of the 3rd respondent, the present writ petition has been filed seeking appropriate relief.

4. Heard the learned counsel for the petitioner as well as the learned Special Government Pleader appearing on behalf of the respondents 1 to 3 and perused the materials available on record.

5. The learned counsel for the petitioners submitted that the private respondents have executed sale deed, partition deed and release deed without any legal rights over the subject properties. In view of that, the said deeds have to be annulled and the entries in that regard in the registrar office have also to be removed from the encumbrance.



6. The learned Special Government Pleader submitted that when there is a dispute with regard to the subject properties between the petitioners and the private respondents, the petitioners have to be obtained an order of injunction/restrained order to annul the deeds registered by the respondents. In the absence of any restrained order, the third respondent have no power to refuse the registration process as per the Registration Act.

7. Since it is a dispute with regard to the subject properties in question, which is purely civil in nature, the petitioners have to approach the competent Forum to work out their remedy and not before this Court by way of a writ petition under Article 226 of the Constitution of India. Under these circumstances, the third respondent has rightly rejected the claim made by the petitioner and thus, this Court does not want to interfere with it.

8. In the result, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector General of Registration,
Santhome High Road,
Chennai-28.

2. The District Registrar,
Krishnagiri District.

3. The Sub Registrar,
Pochampalli,
Pochampalli Taluk,
Krishnagiri District.

+1cc to the Government Pleader, S.R.No.14638

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BP(CO)
CT 21/04/2022