



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :23.03.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.6346 of 2022

P.Dhanalakshmi

... Petitioner

Vs.

1. The District Registrar,
O/o. The District Registrar,
Tiruppur District.

2. The Sub-Registrar,
Palladam,
Tiruppur District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent to hear and dispose the petitioner appeal in Na.Ka.No.1380/A5/2021 filed on 16.08.2021 pending before the 1st respondent within a time frame as fixed by this Hon'ble Court.

For Petitioner : Mr.S.Sithirai Anandam

For Respondents : Mr.Yogesh Kanndasan
Special Government Pleader

O R D E R

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus to direct the 1st respondent to hear and dispose the petitioner's appeal in Na.Ka.No.1380/A5/2021, filed on 16.08.2021, pending before the 1st respondent within a time frame as fixed by this Court.

2. The learned Special Government Pleader appearing on behalf of the respondents take notice for the official respondents. In view of the limited relief sought for in this petition and on the consent of the learned counsel appearing on either side, this petition is taken up for final disposal.



3. The case of the petitioner is that originally, the property belongs to one Muthusamy Gounder and Sami Gounder by virtue of partition deed dated 10.09.1996. After the demise of the said Muthusamy Gounder, the said property was allotted to his sons and wife viz, Palanisamy, Swaminathan and Devi Aathal respectively. The petitioner is the wife of said Palanisamy and the petitioner and her minor daughter filed a suit against the said Palanisamy for partition and maintenance, and have obtained common preliminary decree in their favour, however the I.A.No.407/2019 for final decree is pending. In the meanwhile, the said Palanisamy died. Whiles, the other legal heirs of the said Muthusamy Gounder created fraudulent documents and alienated the properties to some third parties, which was originally allotted in favour of the petitioner by way of preliminary decree. Objecting the same the petitioner made a complaint before the District Registrar under Sections 82 and 83 of the Registration Act. However, till date no orders have been passed. Hence, this writ petition is filed with the above said prayer.

4. The learned counsel for the petitioner submitted that it would suffice if this Court issues direction to the 1st respondent to consider the petitioner's appeal dated 16.08.2021, and pass orders within a reasonable time that may be fixed by this Court.

5. The learned Special Government Pleader appearing on behalf of the official respondents submitted that, the issue is purely a property dispute between the family members for which she has filed a complaint under Section 82 and 83 of the Registration Act. As the suit is pending between the parties, the Registration Authority is not a competent authority to decide the issue. Accordingly, prayed for dismissal of this petition.

6. Admittedly, there is a property dispute between the petitioner and the legal heirs of the Muthusamy Gounder and further the petitioner and her daughter filed a suit for partition and maintenance before the competent Court and claim that Preliminary Decree was passed in their favour. Though the petitioner claim that the other legal heirs of the said Muthusamy Gounder alienated the disputed properties in favour of the third parties, however, they were not added as parties in the present petition before this Court. However, it is pertinent to note that, as it is a property dispute between the petitioner and other legal heirs of the said Muthusamy Gounder and that a Suit is also pending before the competent Civil Court, filing a complaint before the Registration authorities under Section 82 and 83 of the Registration Act is not sustainable, as the Registration Authorities are not competent authority to decide



upon the issue and the petitioner has to obtain appropriate orders for title from the competent Civil Court. Hence, the prayer sought for in this petition cannot be considered.

7. In view of the above observations, this Writ Petition is dismissed. with a liberty to the petitioner to workout the remedy in the manner known to law. No costs.

Sd/-
Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

Psa

To

1. The District Registrar,
O/o. The District Registrar,
Tiruppur District.
2. The Sub-Registrar,
Palladam,
Tiruppur District.

+1cc to M/s.S.Sithirai Anandam, Advocate, S.R.No.19752

+1cc to the Special Government Pleader, S.R.No.20395

W.P. No.6346 of 2022

SKM(CO)
SU(05/04/2022)