



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.04.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.8952 of 2022

Saroja@ Chandra Banu

...Petitioner

Vs.

1.The District Registrar,
O/o.District Registrar,
Near District Collector Officer,
Coimbatore District.

2.Vijayamohan

3.Jayaseelan

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to cancel the forged Partition Deed Document No.1231/1989 dated 10.02.1989 by considering the petitioner representation dated 01.03.2022.

For Petitioner : Mr.R.Shanmugam

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

The petitioner has filed this petition seeking direction to the first respondent to cancel the forged Partition Deed Document No.1231/1989 dated 10.02.1989 by considering the petitioner representation dated 01.03.2022.

2. Mr.Yogesh Kannadasan, learned Special Government Pleader takes notice for the first respondent. In view of the limited relief sought for in this petition and on the consent expressed by 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 disputed property in Survey No.724, measuring 9.67 acre,



situated at Pollachi, Aanamalai Taluk, Kottur Village owned by her father namely M.V.Chellamuthu Gounder. He sold the property to an extent of 1 acre to one R.K.Ramalinga Chettiyar on 08.06.1966 in Doc.No.760/1966, and the said Ramalinga Chettiyar sold the property to one Arumugam, second and third respondents. Thereafter, they partitioned the property in between them with larger extent which was not sold by the petitioner's father. Hence, the petitioner made a representation dated 01.03.2022 before the first respondent to cancel the fraudulent partition deed dated 10.02.1989 in Doc.No.1231 of 1989. However, till date no action has been taken by the first respondent on the representation made by the petitioner. Hence, the present Writ Petition has been filed by the petitioner for the above relief.

4. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court directs the first respondent to consider the petitioner's representation dated 01.03.2022 within the time frame that may be fixed by this Court.

5. The learned Special Government Pleader appearing for the respondent submits that petitioner herself admitted there was alienation of the property and thereafter, petitioner father sold the property in favour of private respondents, it is purely a Civil dispute in nature which can not be decided by the District Registrar under Section.68(2) of the Registration Act.

6. Considering the facts and circumstances of the case, the issue involved in the present writ petition is purely a Civil dispute in between the petitioner and private respondents, which can not be decided by the District Registrar. In view of the above, the prayer sought by the petitioner in the present writ petition cannot be granted. However, liberty is granted to the petitioner to work out her remedy before the competent Civil Court.

7. Accordingly, this writ petition is dismissed. No costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar



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To

The District Registrar,
O/o.District Registrar,
Near District Collector Officer,
Coimbatore District.

+1 CC to Mr.R.Shanmugam, Advocate sr 24775
+1 CC to The Government Pleader sr 25753.

W.P.No.8952 of 2022

GSM(CO)
SP(26/04/2022)