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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2022

C O R A M

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.8946 OF 2022 & W.P.NO.16655 OF 2020

AND

W.M.P.NO.8777 OF 2022

Jamsith

... Petitioner
(in both W.P's)

.Vs.

1. The Inspector General of Registration,
The Inspector General of Registration Office,
Santhome High Road,
Sathome,
Chennai - 600 028.
2. The District Registrar (Admin),
The District Registrar Office,
Kallakurichi,
Kallakurichi District.
3. The Sub Registrar,
The Sub Registrar Office,
Sankarapuram,
Kallakurichi District.
4. The Sub Registrar,
Joint No.II,
The Sub Registrar Office,
Kallakurichi,
Kallakurichi District.
5. The Sub Registrar,
The Sub Registrar Office,
Vadaponparappi,
Kallakurichi District.
6. B.Noor Mohamed
7. B.Rafig Ahamed
8. B.K.Akbar
9. B.Yaseen Hussain

... Respondents
(in both W.P's)



PRAYER IN W.P.NO.8946 OF 2022:-

Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus forbearing the respondents 3 to 5 from registering the properties in Document No.3660/2017 registered before the 4th respondent office on my petition dated 23.07.2020.

PRAYER IN W.P.NO.16655 OF 2014:-

Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents 3 to 5 not to register the properties in Document No.3660/2017 on the petitioner's petition dated 06.08.2020.

For Petitioner : Mr.S.Radhakrishnan

For Respondent : Mr.Yogesh Kannadasan
Special Government Pleader

O R D E R

The petition in W.P.No.8946 of 2022 been filed to forbear the respondents 3 to 5 from registering the properties in Document No.3660/2017, based on the petition filed by the petitioner on 23.07.2020.

2. The petition in W.P.No.16655 of 2020 has been filed seeking a direction to respondents 3 to 5 to not to register the landed properties in Document No.3660/2017 on the petitioner's petition dated 06.08.2020.

3. The case of the petitioner is that the disputed properties are ancestral properties of the petitioner and the private respondents. The said property stands in the name of the petitioner's grandfather. Though the Will was registered by the petitioner's grandfather in respect of the subject property, however, in order to grab the petitioner's share of the said properties, the private respondents are attempting to alienate the subject properties to third parties. Aggrieved by the same, the petitioner has come up with these petitions seeking the aforementioned reliefs.

4. Learned counsel for the petitioner submits that, due to a civil dispute with regard to the disputed properties, a partition suit in O.S.No.556 of 2017 is pending on the file of the Sub Court, Kallakurichi. Suppressing the same, the private



respondents are attempting to alienate the said properties in favour of the 3rd parties. Hence, this Court, may in the interest of justice, issue a direction to the respondents 1 to 5 to not to return any relevant documents of the subject properties to the private respondents.

5. On the above contentions, this Court heard the learned Special Government Pleader appearing for the official respondents.

6. The facts of the present case are not in dispute. The petitioner claims that the disputed properties are ancestral properties of the petitioner as well as the private respondents. However, the issue between the parties being civil in nature and in view of the fact that, with regard to partition of the very same properties, a partition suit in O.S.No.556 of 2017 has been filed before the lower court and the same is pending, this Court cannot issue any affirmative direction to the official respondents to grant relief as sought for in these Writ Petitions. However, the petitioner, without approaching the competent Civil Court, has filed these Writ Petitions before this Court, which is not sustainable. Hence, the prayer sought for in these Writ Petitions cannot be acceded to.

7. For the reasons aforesaid, these Writ Petitions are dismissed, as the same are devoid on merits. However, the liberty is granted to the petitioner to work out the remedy before the competent civil court. No Costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

NHS

To

1. The Inspector General of Registration,
The Inspector General of Registration Office,
Santhome High Road,
Sathome, Chennai - 600 028.
2. The District Registrar (Admin),
The District Registrar Office,
Kallakurichi,
Kallakurichi District.



3. The Sub Registrar,
The Sub Registrar Office,
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4. The Sub Registrar,
Joint No.II,
The Sub Registrar Office,
Kallakurichi,
Kallakurichi District.

5. The Sub Registrar
The Sub Registrar Office,
Vadaponparappi,
Kallakurichi District.

+1cc to Mr.S.Radhakrishnan, Advocate, S.R.No.26454

+1cc to Mr.S.Ananda Kumar, Advocate, S.R.No.26430

+1cc to the Government Pleader, S.R.Nos.26365 & 26366

W.P.NO.8946 OF 2022 &
W.P.NO.16655 OF 2020

KJ(CO)
PBS/31/05/2022