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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.9853 of 2022
W.M.P.No.9567 of 2022

1.Annie Rubens
2.Shirley Williams

...Petitioners

Vs.

1.The Inspector General of Registration,
100, Santhome High Road,
Pattinapakkam, Chennai - 600 028.

2.The District Registrar (Administration),
Central Chennai, No.268,
Bharathi Salai,
Express Estate, Royapettah,
Chennai - 600 014.

3.The Sub Registrar,
No.268, Bharathi Salai,
Express Estate, Royapettah,
Chennai - 600 014.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the second respondent to consider the petitioner's application dated 10.03.2022 here by conduct an elaborate enquiry and take suitable action.

For Petitioners : Mr.M.Francis xavier

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

The petitioner has filed this petition seeking direction to the second respondent to consider the petitioner's application dated 10.03.2022 here by conduct an elaborate enquiry and take suitable action.



2. Mr.Yogesh Kannadasan, learned Special Government Pleader takes notice for the respondents. 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 petitioners is that the property comprised in S.No.2924/21, measuring an extent of 2254 Sq.ft, situated at Triplicane Village, Mylapore Taluk, Chennai owned by the petitioners mother. Thereafter, the petitioners mother executed the Settlement Deed dated 11.02.2009, in favour of her three daughters. Thereafter, the petitioners sister without consent of the petitioners, executed the power of attorney to one G.Perumal. Hence, the petitioners have made a representation dated 10.03.2022, before the second respondent to conduct enquiry and to take suitable action. However, till date no action has been taken by the second 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 second respondent to consider the petitioner's representation dated 10.03.2022 within the time frame that may be fixed by this Court.

5. The learned Special Government Pleader appearing for the respondents submits admittedly, petitioner's mother settled the property in favour of her three daughters, thereafter, the petitioners sister executed the power of attorney. It is purely a Civil dispute, which can not be decided by the second respondent.

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 petitioners and their sister, which can not be decided by the Second Respondent/District Registrar. In view of the above, the prayer sought by the petitioners in the present writ petition cannot be granted. However, liberty is granted to the petitioners to work out their remedy before the competent forum.



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7. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1.The Inspector General of Registration,
100, Santhome High Road,
Pattinapakkam, Chennai - 600 028.

2.The District Registrar (Administration),
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+1 CC to The Special Government Pleader sr 28616.

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SKM(CO)
SP(11/05/2022)