



W.P.No.22877 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.09.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

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J.Gunasekaran

...Petitioner

VS.

1. The Inspector General of Registration,
Registration of I.G.Office,
Santhom High Road,
Chennai – 600 028.

2. The Registrar,
Registration Office,
SRO Achirambakkam,
Chengalpattu District.

3. The Revenue Divisional Officer,
RDO Office,
Maduranthagam,
Chengalpattu District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to consider the petitioner's written representation on 12.08.2022.

For petitioner : Mr.V.Kayalvizhi

For respondents : Mr.Yogesh Kannadasan
Special Government Pleader



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ORDER

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This writ petition has been filed seeking for issuance of a Writ of Mandamus to direct the respondents to consider the petitioner's representation dated 12.08.2022 within the stipulated time frame that may be fixed by this Court.

2. The case of the petitioner is that his father and mother were in possession and enjoyment of the ancestral properties situated in Thandalam Village and two unregistered Will dated 16.08.2011 and 20.08.2011 were executed by the petitioner's mother in favour of the petitioner and his brother. After the demise of petitioner's father, mother and his younger brother (Purushothaman), the said Will executed by the petitioner's mother came into force. While that being so, one Thirumalaiselvi, who is the wife of said Purushothaman executed two sale deeds in the year 2012 in favour of one Marimuthu in respect of the subject property. Thereafter, a partition suit in O.S.No.37 of 2021 and a petition for grant of Ad-Interim Injunction were filed by the petitioner on the file of learned Principal District Judge, Chengalpattu, pending which, the said Marimuthu executed a sale deed



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dated 05.08.2022 in favour of one Mani and his wife. Aggrieved over the same, the petitioner made a representation dated 12.08.2022 before the respondents seeking to update the on-line Encumbrance certificate and not to alienate the subject properties in favour of third parties unless the above said suit attains finality, but the same was not considered by the respondents. Hence the present Writ Petition.

3. Though very many grounds have been raised in this Writ Petition, learned counsel for the petitioner submits that the petitioner filed the above said partition suit before the learned Principal District Judge, Chengalpattu, however, pending which, the said Thirumalaiselvi and Marimuthu alienated the properties in favour of aforementioned persons. Hence, it would suffice if this Court, issues a direction to the respondents to consider the petitioner's representation dated 12.08.2022 and pass appropriate orders within a time frame that may be fixed by this Court.

4. The learned Special Government Pleader appearing for respondents has no objection for the said order being passed.



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5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. Admittedly, the petitioner filed a partition suit in O.S.No.37 of 2021 which is pending before the learned Principal District Judge, Chengalpattu. It is the grievance of the petitioner that, even during the pendency of the abovementioned suit said Thirumalaiselvi and Marimuthu alienated the subject properties in favour of aforesaid persons, due to which, he made a representation before the respondents seeking to restrain the respondents from alienating the aforesaid properties unless the above said suit attains finality. Since, the sub-Registrar is bound by the Registration Act and Stamp Act, the representation made by the petitioner cannot be maintained before the respondents, as there is a remedy available before the competent Civil Court to obtain a restraint order against the Sub Registrar. Without doing so, the petitioner filed the present Writ Petition before this Court which is not sustainable. Hence, the prayer sought for by the petitioner cannot be granted, however liberty is granted to the petitioner to



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file an appropriate I.A in the pending suit by impleading the sub-Registrar as a party in the said suit.

7. Accordingly, this Writ Petition is dismissed. No costs.

01.09.2022

RAP

Index : Yes/No

Speaking order : Yes/No

To

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M.DHANDAPANI, J.

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