



W.P.No.25618 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2022

CORAM :  
THE HONOURABLE MR. JUSTICE M.DHANDAPANI

**Writ Petition No.25618 of 2022**

S.Thilakavathi

... Petitioner

Vs.

1.The Inspector General of Registration,  
Santhome High Road,  
Chennai – 600 028.

2.The District Registrar,  
Coimbatore District,  
Coimbatore.

3.The Sub-Registrar,  
Mettupalayam Sub-Registrar Office,  
Coimbatore.

4.Sarasuwathi

5.Kaminidevi

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus, directing the second respondent to consider the petitioner's representation dated 16.08.2022 and fixed a time

Page No.1 of 7



W.P.No.25618 of 2022

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For Petitioner : Mr.M.Selvam

For Respondent : Mr.G.Krishna Raja,  
Additional Government Pleader

### **ORDER**

By consent of both the parties, this writ petition is taken up for final disposal at the time of admission stage itself.

2. Since no adverse order is being passed against the respondents 3 and 4, notice to respondents 3 and 4 is dispensed with.

3. This writ petition has been filed seeking for issuance of Writ of Mandamus to direct the second respondent to consider the petitioner's representation dated 16.08.2022

4. The case of the petitioner is that the property bearing Government Survey Nos.157, 49/2B, 470/2A, 471/2B, 41/2, 48/2, 57/2, 59/2, 60/3B, 60/4 in Pollachi Village was originally belonged to the father of petitioner's husband and after his demise, the said property was enjoyed by his legal heirs

Page No.2 of 7



W.P.No.25618 of 2022

viz., Rangammal, Saraswathi, Kaminidevi and Swaminathan. The said Swaminathan is the husband of the petitioner. After his demise, the petitioner and her two daughters filed a partition suit in O.S.No.291 of 2004 on the file of District Munsif Court, Mettupalayam. During the pendency of the suit, the aforesaid Saraswathi and Kamini, one of the parties to the partition suit were trying to create encumbrance over the above said properties through some forged documents. Hence, the petitioner made a representation dated 16.08.2022 before the first respondent not to accept any registration in respect of above said Survey Numbers, but the same was not considered till date. Hence, this writ petition.

5. The learned counsel for the petitioner would submit that when the suit in O.S.No.291 of 2004 is pending in between the parties, the private respondents tried to alienate the property is not sustainable one. Accordingly, he prayed for allowing this writ petition.

6. Heard the learned counsel for the petitioner and perused the materials placed before this Court.



W.P.No.25618 of 2022

7. The fact in the present case is not in dispute. Admittedly, the partition suit is pending between the petitioner and the private respondents in O.S.No.291 of 2004. Instead of filing I.A. in the pending suit, impleading the Sub-Registrar as one of the parties for obtaining restrain order. Further, the Sub-Registrar has no power to withheld the document presented by the private respondents. Hence, the prayer sought by the petitioner cannot be granted. However, liberty is granted to the petitioner to work out her remedy before the Competent Civil Court, where the Civil Suit is pending.

8. With the aforesaid liberty, this writ petition stands dismissed. No costs.

**22.09.2022**

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Index : Yes/No

Speaking Order : Yes/No



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W.P.No.25618 of 2022

To:

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Chennai – 600 028.
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Coimbatore District,  
Coimbatore.
- 3.The Sub-Registrar,  
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W.P.No.25618 of 2022

**M.DHANDAPANI,J.**

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**W.P.No.25618 of 2022**



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W.P.No.25618 of 2022

**22.09.2022**