



WEB COPY



W.P. No.25902 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.25902 of 2022

S.Revathi

... Petitioner

Vs.

1. The District Registrar,
Registration Department,
District Collector's campus,
Coimbatore District – 641 018.

2. The Sub Registrar,
Registration Department,
Singanallur Sub Registrar Office,
Singanallur, Coimbatore District.

3. Marathal

4. R.Vijaya

5. R.V.Abinayasri

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the first respondent to dispose the petitioner petition dated 26.08.2022 within time stipulated by this Court.

For Petitioner : Mr.R.Subburaj

For R1 and R2 : Mr.E.Vijay Anand
Additional Government Pleader

For R4 and R5 : Mr.R.Rajarajan

For R3 : No appearance



W.P. No.25902 of 2022

ORDER

This writ petition has been filed seeking for issuance of a Writ of Mandamus to direct the first respondent to dispose the petitioner's petition dated 26.08.2022 within the time stipulated by this Court.

2. The case of the petitioner is that one Marathal executed a sale agreement in respect of S.F.Nos.241 and 242 of an extent of 75 cents situated in Singanallur Village in favour of one R.Devaraj. However, suppressing the above said sale agreement, said Marathal executed several settlement deeds in favour third parties. While so, said Devaraj filed a suit for declaration in O.S.No.209 of 2005 on the file of first Additional District Court, Coimbatore and the said suit was decreed vide order dated 13.07.2007 in favour of said Devaraj. Thereafter, the said Devaraj paid the sale consideration and the Execution Court executed the sale deed in favour of said Devaraj on 20.01.2021 based on the execution petition, after which, said Devaraj executed a settlement deed in favour of his sister Papathiammal, who is none other than the petitioner's mother. Thereafter, the petitioner's mother executed a settlement deed vide document No.6903 of 2019 in favour of the petitioner. However, the third respondent executed fraudulent sale deed in respect of the petitioner's property in favour of fourth respondent who in turn executed a settlement deed in favour of the fifth respondent. In order to cancel the above



W.P. No.25902 of 2022

said fraudulent deeds, the petitioner made a representation dated 26.08.2022 based on the circular issued by the Inspector General of Registration and as per Section 77A of the Registration Act, 1908, but the petitioner's request was not acceded to. Hence the present writ petition.

3. Though very many grounds have been raised in this Writ Petition, learned counsel for the petitioner submits that it would suffice if this Court issues a direction to the first respondent to consider the petitioner's representation dated 26.08.2022 and pass appropriate orders within the time frame that may be fixed by this Court.

4. Heard the contentions made by learned Special Government Pleader appearing for respondents 1 and 2 and perused the materials placed on record.

5. Admittedly, the third respondent who is the predecessor in title executed a sale agreement in favour of one Devaraj, and suppressing the said act the third respondent executed several settlement deeds in favour of third parties, for which a suit for declaration was filed by said Devaraj on the file of First Additional District Court, Coimbatore and the same was decreed in his favour in respect of the subject properties. The petitioner claims that



W.P. No.25902 of 2022

though the said suit was decreed in favour of said Devaraj, i.e., brother of petitioner's mother, the third respondent executed a sale deed in favour of fourth respondent who in turn executed a settlement in favour of the fifth respondent in respect of the very same properties which is unsustainable. In order to cancel all the fraudulent deeds, the petitioner made a representation before the first respondent but the petitioner's request was not acceded to.

6. From a careful perusal of the facts above, it reveals that the issue involved in the present case is purely civil in nature and it has to be ventilated only before the Competent civil Court. Hence, the prayer sought for by the petitioner cannot be granted. However, this Court, grants liberty to the petitioner to work out her remedy before the Competent civil court in accordance with law.

7. In view of the above observation and direction, this writ petition is disposed of. There shall be no order as to costs.

29.11.2022

RAP

Index : Yes / No

Speaking order : Yes / No



W.P. No.25902 of 2022

To

WEB COPY

1. The District Registrar,
Registration Department,
District Collector's campus,
Coimbatore District – 641 018.
2. The Sub Registrar,
Registration Department,
Singanallur Sub Registrar Office,
Singanallur, Coimbatore District.



WEB COPY



W.P. No.25902 of 2022

M.DHANDAPANI, J.

RAP

W.P. No.25902 of 2022

29.11.2022