



W.P. No. 28468 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No. 28468 of 2022

and

WMP.No.27779 of 2022

K. Arumugam

... Petitioner

Versus

1. The Director of Registration
Directorate of Registration
No. 100, Santhome High Road
Chennai - 600 028.
2. The Deputy Director of Registration
Zonal Office of the Registration
No.50, Sankaranaidu Street,
Thirupadhiripuliyur
Cuddalore District.
3. The District Registration Officer (Administration)
Office of the District Registration
Tindivanam.
4. The Sub Registrar,
Office of the Sub Registration
Avarapakkam
Tindivanam.



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5. Rajakumari
6. Annalakshmi
7. Rani
8. Mohanamary
9. Punniyakotti

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to consider the representation of the petitioner, dated 03.06.2022.

For Petitioner : Mr.P. Krishnamurthi

For Respondents : Mr.C. Kathiravan
Special Government Pleader

ORDER

This writ petition has been filed seeking for a direction to the respondents to consider the representation of the petitioner, dated 03.06.2022.

2. The case of the petitioner is that the petitioner's grandfather, namely, Arumugam, was having his own land, measuring 0.24 cents comprised in Old Survey No.235/5, New Survey No.66/6A at Kadavambakkam Village, Tindivanam Taluk. He had settled the above said land equally to his three sons and the petitioner's father Kandasamy



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got his share of land and he was in absolute possession and enjoyment of the same till his life time. The petitioner's father has eight legal heirs. The petitioner, along with his brothers and sister, have partitioned the above said lands and he got 0.8 cents of land comprised in Old S.No.235/5, New Survey No.66/6A. The petitioner has been in possession and enjoyment of the said property by doing agricultural activities on the same. It is the further case of the petitioner that the respondents 5 to 9 have created forged documents in respect of lands measuring 0.24 cents allotted to the petitioner's share in B Part along with the lands measuring 0.16 cents, being the shares of the petitioner's father's elder brothers and the same was registered on the file of Sub Registrar, Avarapakkam, Tindivanam bearing Doc.No.4893 of 2014 . The petitioner's daughter-in-law, Kumari and others have filed suit in O.S.No.34 of 2013 on the file of District Munsif Court, Tindivanam, for partition and the same is pending. Pending the suit, the respondents 5 to 9 have created forged document as Doc.No.4893 of 2014 on the file of Sub Registrar, Avarapakkam, Tindivanam, the 4th respondent herein, by concealing the fact before the Sub Registrar that the suit in O.S.No.34 of



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2013 is pending before the District Munsif Court, Tindivanam, and thereby, played fraud before the Sub Registrar and the said act is against the provisions of the Transfer of Property Act, 1882. Further, the said suit was decreed in favour of the petitioner on 20.04.2016. The petitioner's daughter-in-law filed another suit in O.S.No.119 of 2017 before the Principal Sub Court, Tindivanam, against the petitioner and the same was also decreed in favour of the petitioner herein vide order dated 29.10.2021. On the strength of the aforesaid decree, the petitioner made a representation, dated 03.06.2022 seeking for cancellation of the sale deed Doc.No. 4893 of 2015 before the second respondent and the same was not considered by the second respondent. Hence this petition.

3. The learned counsel appearing for the petitioner submitted that, without going into the merits of the case, it would suffice, if this Court issues a direction to the respondents to consider the petitioner's representation dated 22.04.2022 and pass appropriate orders within a reasonable time frame to be fixed by this Court.



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4. Considering the facts and circumstances of the case, and also the civil dispute between the petitioner and the private respondents 5 to 9 as also the petitioner's daughter-in-law, who has filed the suit for partition and the same is pending before the Court below, this Court is of the view that a direction as sought for cannot be granted as admittedly, the issue involved in this petition is purely civil in nature, which has to be adjudicated only before the civil Court and obtaining a restraint order against the private respondents 6 to 17 and this Court, in exercise of its jurisdiction under Article 226 of the Constitution of India, cannot direct the respondents to consider the representation and pass orders as the respondents have no authority to adjudicate on the title to the property.

5. Accordingly, the writ petition is dismissed. However, liberty is granted to the petitioner to work out his remedy before the competent civil Court in the manner known to law. No costs. Consequently, connected WMP is closed.

28.10.2022

Speaking order : Yes/No
Neutral citation : Yes/No



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M.DHANDAPANI, J.

msm

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