



WEB COPY



W.P. No. 24195 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2022

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

W.P. No. 24195 of 2017

Kamala

... Petitioner

-VS-

1. The Inspector General of Registration,
No.100, Santhome High Road,
Chennai-28.

2. The Sub Registrar,
Sub Registrar Office,
Pallavaram, Chennai-44.

3. T.Janarthanan
Respondents

...

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the second respondent herein to dispose of the representation preferred by the petitioner dated 17.08.2017.

For Petitioner : Mr.J.Arulprakasam

For Respondents : Mr. C.Kathiravan
Spl. Government Pleader
For Respondents 1 & 2



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ORDER

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2. It is the case of the petitioner that the property in S.No.213/4 measuring an extent of 21 cents is the ancestral property of the petitioner. The petitioners brother created a forged document and obtained signature from the petitioner as well as his sister and enjoying the property. Against which, the petitioner and her sister approached the second respondent on 20.07.2017 and handed over a objection for not to register the above said properties. However, the second respondent has registered the document on 29.07.2017 in favour of one Janarthanan, who is the brother of the petitioner. Therefore, the petitioner made a representation on 17.08.2017 to the second respondent for not to release the registered document and also cancel the registration deed.

3. Learned counsel for the petitioner submitted that this Court may issue a direction to the second respondent to consider the petitioners representation and dispose of the same within the stipulated time as fixed by this Court.



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4. The learned Special Government Pleader appearing on behalf of the respondents submitted that the dispute between the petitioner and his brother is purely civil in nature and therefore, the parties have to approach the competent forum with regard to the right over the property. Without doing so, the petitioner has filed the present writ petition before this Court, which is not sustainable and therefore, the learned counsel seeks to dismiss the same.

5. Though this Court had ordered to serve notice through Court as well as privately to the 3rd respondent, but the third respondent is absent. Since no adverse order is passed against the 3rd respondent and hence, his presence is dispensed with. Heard the learned counsel for the petitioner as well as the learned Special Government Pleader appearing for the respondents 1 and 2 and perused the materials available on record.

6. The facts of the case are not in dispute and the relationship between the parties are also not in dispute. As rightly submitted by the learned Special Government Pleader that since it is a dispute with regard to the subject properties in question between the parties, which is purely civil in nature and it has to be ventilated only before the competent civil Court and not before this Court by way of a writ petition under Article 226 of the Constitution of India



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and therefore, the prayer sought for by the petitioner cannot be granted.

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7. Accordingly, the writ petition is dismissed. No costs. However, liberty is granted to the petitioner to work out her remedy in the manner known to law.

07.11.2022

Rli

Index: Yes/No

To

1. The Inspector General of Registration,
No.100, Santhome High Road,
Chennai-28.

2. The Sub Registrar,
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