



W.P.(MD)No.21344 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 07.09.2022

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THE HONOURABLE Mrs. JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition (MD) No.21344 of 2022

Kailasa Nadar, S/o.Late Thangasamy Nadar

.. Petitioner

Versus

1.The District Registrar,
District Registrar Office,
Palayamokottai,
Tirunelveli – 627 002.

2.The Sub-Registrar,
Radhapuram Sub-Registrar Office,
Radhapuram – 627 111,
Tirunelveli District.

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the second respondent not to register any further documents on basis of the forged documents and forged Patta, based on the representation dated 11.08.2022.

For Petitioner : Mr.B.Char Murugan

For Respondents : Mr.S.R.A.Ramachandran
Additional Government Pleader

ORDER

The petitioner has filed this Writ Petition seeking a direction to the second respondent not to register any further documents on basis of the forged documents and forged Patta, based on his representation dated 11.08.2022.



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2. According to the petitioner, he is living with his family in Kudankulam Village, Radhapuram Taluk, Tirunelveli District and his grandfather had purchased 2 Acre and 14 Cents of land in Survey No.109/2, through a registered Sale Deed, bearing Document No.1631/1947. The said property was in possession and enjoyment of the petitioner's family and one Rathina Mani created a forged sale deed, bearing Document No.3020/2004 in the name of one Sheela Rani, W/o.Pon Murugan. The said Sheela Rani subdivided the property into Survey No.109/2B1. In Survey No.109/2B1, 98 cents have been divided from the main survey number and the same has been brought under separate Patta No.2168, which stands in the name of Sheela Rani.

3. The learned counsel for the petitioner submits that no such partition has taken place. The said Sheela Rani without there being any partition, created a separate forged sale deed and subsequently, obtained Patta. The learned counsel further submits that a suit in O.S.No.41 of 2016 has been filed by the petitioner and two others before the District Munsif Court, Vallioor, for partition, which was later transferred to the file of District Munsif Court, Radhapuram. The petitioner has lodged a complaint with the second respondent on 01.07.2022. The second respondent had not taken any action on the complaint. Therefore, the petitioner appeared before the second



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respondent and explained his grievances orally, but the second respondent has not taken any action. Hence, the petitioner sent a representation, dated 11.08.2022, to the respondents 1 and 2 explaining all the grievances. The respondents 1 and 2 have not taken any action. Hence, the present Writ Petition.

4. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents.

5. From the averments made in the affidavit filed in support of the present Writ Petition, this Court finds that the petitioner has not given the entire particulars in this case and the prayer is only not to register any other documents in furtherance of the pendency of the suit. Therefore, this Court without going into the merits of the averments made in the representation, directs the respondents to consider the petitioner's representation, dated 11.08.2022 and pass appropriate orders on merits and in accordance with law. If there is no constraint to pass an order as prayed for by the petitioner *i.e.*, not to register any other documents, they can do so. If there is no stay in the said suit, pendency of the suit can be incorporated in the relevant Registers of the respondents.



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6. With the above direction, this Writ Petition is disposed of. No costs.

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Index : Yes/No
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To

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V.BHAVANI SUBBAROYAN, J.

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Order made in
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