



W.P.(MD).No.22119 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.10.2022

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.22119 of 2022

P.Ochanathevar

... Petitioner

VS.

1.The District Registrar,
Madurai Road,
Periyakulam Town,
Then District.

2.The Sub-Registrar,
Then Sub-Registrar Office,
New (Pennycuick) Bus Stand Eastern Side,
Then Taluk,
Then District.

... Respondents

PRAYER:- Writ Petition is filed under Article 226 of the Constitution of India, to issue Writ of Mandamus, directing the 2nd respondent not to register any document and deeds for the suit property in S.No.164/1 Western side 48 Cents land out of 1 Acre 25 Cents land situated at Mariamman Kovilpatti Hamlet of Veerapandi Village, Then Taluk, Theni District, based on the petitioner's representation dated 09.09.2022 within a specific period as fixed by this Court.



W.P.(MD).No.22119 of 2022

WEB COPY

For Petitioner : Mr.S.Balaji
For R1 & R2 : Ms.S.Jayapriya
Government Advocate

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus, directing the second respondent not to register any document and deeds for the suit property in S.No.164/1, Western side 48 cents land, out of 1 Acre 25 cents land, situated at Mariamman Kovilpatti Hamlet of Veerapandi Village, Then Taluk, Theni District, based on the petitioner's representation dated 09.09.2022.

2. The case of the petitioner is that originally the property in S.No. 164/1 measuring to an extent of 48 cents, out of 1 Acre 25 cents, situated at Mariamman Kovilpatti Village Hamlet of Veerapandi Village, Theni Taluk, Then District was purchased by his father through registered sale deed dated 15.06.1970. From the date of purchasing, the petitioner, his brother and his father are in possession and enjoyment of the same.



W.P.(MD).No.22119 of 2022

WEB COPY

While so, the petitioner's brother wanted to sell his share in the property in S.No.368/5 to an extent of 0.24.5 ares ie., 61 cents situated at Poothipural Village. Hence, he approached one Andichamy and the said Andichamy demanded entire property. Therefore, the petitioner's brother asked the petitioner to relinquish his share in the property and the petitioner also released his share on 10.09.2004. On the very same day, the petitioner and his brother entered into unregistered partition deed with the presence of elders and the property in S.No.164/1 to an extent of 48 cents were allotted to the petitioner and original parent document and partition deed was also handed over to him.

3. The petitioner's brother intended to sell the property in S.No. 164/1. Hence, the petitioner has filed a suit in O.S.No.108/2019 before the District Munsif Court, Theni for permanent injunction and the same is pending. Thereafter, he has filed an application I.A.No.4 of 2021 in O.S.No.108/2019 for determining the value of stamp, registration charge and penalty and to permit the petitioner to pay the same. The said petition was dismissed. Aggrieved over the same, he has filed a revision petition



W.P.(MD).No.22119 of 2022

in C.R.P(MD)No.1243 of 2021 before this Court and this Court granted stay on 13.09.2021. Again, the petitioner's brother trying to alienate the petitioner in the property in S.No.164/1. Further, the petitioner's brother executed a gift settlement deed in favour of his grand daughters viz, Selvameena and Lavanya on 03.09.2019. The said grand daughters also filed a suit in O.S.No.91 of 2021 before the same Court and both the suits are pending. In order to sell the suit property, they have approached the second respondent to register the sale deed. Immediately, the petitioner has filed an Objection Petition not to register any document regarding the above said suit property, for which, a notice was issued on 22.08.2022, stating that he has to appear on 25.08.2022. The petitioner has appeared along with his advocate and a detailed reply notice was also sent to the second respondent. Again, a summon was issued on 05.09.2022, to appear before the second respondent office on 08.09.2022. The petitioner has also appeared and submitted the relevant documents. However, so far no action has been taken. Hence, the present writ petition is filed.



W.P.(MD).No.22119 of 2022

WEB COPY

4. The learned counsel appearing for the petitioner has produced the proceedings of the Sub Registrar, Theni District, dated 14.09.2022 in Na.Ka.No.911/2022.

5. After enquiry, the said Sub Registrar has considered the documents and come to the conclusion that there was a title dispute pending before the competent civil Court and directed the parties to approach the competent Court to redress their grievance. As already an order has been passed on the representation of the petitioner in Na.Ka.No.911/2022, dated 10.08.2022 and also the representation filed by Selvameena, dated 18.08.2022, this Court is of the view that nothing survives for further adjudication in this writ petition. Hence, the parties are directed to work out their remedy before the competent civil Court in the pending suit. Hence, this writ petition is disposed of. No costs.

6. The learned Government Advocate appearing for the respondents would submit that the authorities have not issued the said



W.P.(MD).No.22119 of 2022

WEB COPY

order or instruction to her. The attitude of the Sub Registrar is condemnable. Hereinafter, if the authorities are going to repeat the same, appropriate action will be taken by this Court and the act of the Sub Registrar viz., Sasikala Rani is deprecated by this Court.

18.10.2022

Index: Yes/No
Internet: Yes/No

akv

To

1. The District Registrar,
Madurai Road,
Periyakulam Town,
Then District.
2. The Sub-Registrar,
Then Sub-Registrar Office,
New (Pennycuick) Bus Stand Eastern Side,
Then Taluk,
Then District.



WEB COPY



W.P.(MD).No.22119 of 2022

V.BHAVANI SUBBAROYAN,J.

akv

W.P.(MD)No.22119 of 2022

18.10.2022