



W.P(MD)No.16166 of 2015

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.09.2022

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.16166 of 2015

and

M.P(MD)Nos.1 to 3 of 2015

V.C.Vaithyalingam (Died)

... Petitioner

- 1.V.Somasundaram
- 2.Vellammal
- 3.Vetrivel
- 4.Selvaraj
- 5.Lakshmi
- 6.Chidambaranathan

... Proposed Petitioners

(Petitioners 1 to 6 are substituted vide Court order, dated 28.09.2022 in W.M.P(MD)No.4859 of 2017 in W.P(MD)No. 16166 of 2015)

Vs.

- 1.The Inspector General of Registration,
Office of the Inspector General of Registration,
Chennai-600 028.
- 2.The District Registrar,
Registration Department,
Ramanathapuram District,
Ramanathapuram.



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- 3.The Sub-Registrar,
Office of the Sub-Registrar,
Sayalkudi,
Ramanathapuram District.
- 4.The Superintendent of Police,
Office of the Superintendent of Police,
Ramanathapuram District.
- 5.The Inspector of Police,
Sayalkudi Police Station,
Kadaladi Taluk,
Ramanathapuram District.

6.V.C.Marimuthu

7.S.Dhanasekaran

8.K.Gopal

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in TA.VA.MANU.No.21/2014, dated 12.11.2014, on the file of the third respondent, quash the same and consequently direct the respondents 1 to 3 to conduct a fresh enquiry and consequently cancel the Document registered in document No.1328/2014 registered before the second respondent in accordance with the Circular No.67, dated 03.11.2011 issued by the first respondent.

For Petitioner : Mr.T.Lajapathi Roy
For R-1 to R-5 : Mr.S.R.A.Ramachandran
Additional Government Pleader
For R-6 to R-8 : Mr.K.Kumara Vel



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ORDER

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The present Writ Petition has been filed to quash the sale deed executed by the sixth respondent through seventh respondent in favour of the eighth respondent.

2. According to the learned Counsel for the petitioner, the property in dispute originally belonged to his father, Chidambara Nadar and the sixth respondent is his brother. After his death, the property in dispute devolved upon both the writ petitioner and the sixth respondent herein. Since total extent of the property is 12 cents, both the petitioner and the sixth respondent are entitled to 6 cents each. However, the sixth respondent has chosen to execute a sale deed in favour of the eighth respondent for seven and a half cents. Hence, the petitioner lodged a complaint to the third respondent herein, not to register any document that is presented by the sixth respondent. This objection was placed by the writ petitioner before the third respondent only on 12.11.2014. However, the sale deed has already been registered on 03.11.2014. Hence, the third respondent has rejected the request of the writ petitioner and he has directed the petitioner to approach the competent civil Court.



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This order is under challenge in the present writ petition.

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3. From the facts narrated above, it is clear that there is a dispute between the petitioner and the sixth respondent herein with regard to the quantum of share in the property left by their father. Admittedly, the petitioner herein has filed O.S.No.38 of 2015 before the District Munsif Court, Ramanathapuram for the relief of partition as against his brother, who is the sixth respondent herein. Once, the civil Court arrives at a finding that the petitioner is entitled to 6 cents, that would affect the sale deed executed by the sixth respondent in favour of the eighth respondent. Hence, no further orders could be passed in the present writ petition.

4. With the above said observations, the writ petition stands closed. The respondents 6 to 8 and the petitioner are at liberty to raise all the issues raised in the present writ petition in the civil suit. The writ petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions stand closed.

30.09.2022



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Index : Yes / No
Internet : Yes / No
btr

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R.VIJAYAKUMAR, J.

btr

Order made in
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