



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 13.10.2022

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.23637 of 2022

V.Murugan

..Petitioner

Vs

1.The District Collector,
Office of the District Collector,
Ramanathapuram District.

2.The Sub-Registrar,
Sayalkudi Sub-Registrar Office,
Sayalkudi,
Ramanathapuram District.

3.Muthuvel.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the second respondent not to entertain or register any documents regarding Survey Number 308/4C1A vide Patta No.1952, extent of 0.08.0 hectares, Ramanathapuram District, Sayalkudi Taluk, Sayalkudi Group, Narippaiyur Village till the disposal of the suit in O.S.No.13 of 2021, on the file of Sub-Court, Mudukulathur based on the representation dated 22.09.2022.

For Petitioner :Mr.V.Selvakumar

For Respondents:Mr.K.S.Selvaganesan
1 and 2 Addl.Government Pleader

**ORDER**

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The Petitioner has prayed for issuance of a Writ of Mandamus directing the second respondent not to entertain or register any documents regarding Survey Number 308/4C1A vide Patta No.1952, extent of 0.08.0 hectares, Ramanathapuram District, Sayalkudi Taluk, Sayalkudi Group, Narippaiyur Village till the disposal of the suit in O.S.No. 13 of 2021, on the file of Sub-Court, Mudukulathur based on the representation dated 22.09.2022.

2.Mr.K.S.Selvaganesan, learned Special Government Pleader takes notice for the respondents 1 and 2. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3.The case of the Petitioner is that he is owning the petition mentioned properties and he is enjoying the same by paying necessary tax and after demise of his father, he is in possession and enjoyment of the same. Further the Petitioner's father is having two wives namely, Ponnammal and Poomayil.The said Poomayil is having three children, namely the Petitioner himself, Ganesan and one Pathrakali.The Petitioner got married one Muthuvel and is having two children namely, Pandieswari and Bhuvaneswari.The Petitioner's brother died. The above said Ponnammal is having two children namely, Paripooranam and Nagakani.The said Paripooranam got married to one Pandi and having a



male child namely, Muthuvel, who is the third respondent herein. The parents of the third respondent is now no-more. Whiles, in the year 2020, the Petitioner has settled a property in Kadaladi Taluk to one Mahendra Kannan and the above said sale deed was registered before the Sub Registrar Office, Sayalkudi vide Document Registration No.1568 of 2020, dated 26.12.2020. In the meantime, one Vellaiyanadar's wife Ponnammal's legal heir Nagakanni filed a suit in O.S.No.13 of 2021 seeking the partition and for other reliefs as against Muthuvel, Poomayil, the Petitioner, rasathi, Guaveri, Kalipandi, Pandieswari, Bhuvaneswari, Pathrakali and Mahendra Kannan, the subsequent purchaser of the subject-matter property. In between, the said Muthuvel, the third respondent herein has tried to sell the ancestral properties, taking advantage of the facts that her husband name was found in the revenue records, however, it is an ancestral property, selling it to some third parties by way of registering before the second respondent Office. In this regard the Petitioner has sent many representations, legal notices and paper publications for not selling the above properties, but it is of no use. The Petitioner has also submitted a representation along with objection petition on 24.8.2022 to the second respondent for not registering the above properties. Since the same was not considered in time, the Petitioner has come forward with the present Writ Petition for the relief stated supra.



4.A perusal of the typed-set of papers would reveal that a suit is filed for partition in this regard and the Petitioner is also a party to the said suit. During the pendency of the suit, this Court cannot go into the merits of the matter in depth.

5.In view of the above stated position, this Court directs the second respondent to consider the representation of the Petitioner along with objection petition submitted on 24.8.2022 and pass appropriate orders on the same, on merits and in accordance with law.

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

13.10.2022

Index : Yes/No
Internet:Yes/No
vsn

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Sayalkudi Sub-Registrar Office,
Sayalkudi,
Ramanathapuram District.



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V.BHAVANI SUBBAROYAN,J

vsn

ORDER MADE IN
W.P(MD)No.23637 of 2022

13.10.2022



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