



W.P.(MD).No.22283 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.09.2022

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.22283 of 2022

A.Backiya Selvi

... Petitioner

vs.

- 1.The District Registrar,
Tirunelveli Registration District,
Palayamkottai,
Tirunelveli.
- 2.The Sub Registrar,
Moolakaraipatti Sub Registrar Office,
Moolakaraipatti,
Tirunelveli District.
- 3.The Sub Registrar,
Radhapuram Sub Registrar Office,
Radhapuram,
Tirunelveli District.
- 4.Muthukumar
- 5.Chellaiah

... Respondents



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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the 1st respondent to enquire the D.No.3032/2022 dated 26.05.2022, registered before the 3rd respondent office and endorse the report of the enquiry before the 2nd respondent office and consequently take action against the 3rd respondent based on petitioner's representation dated 01.06.2022.

For Petitioner : Mr.T.Selvan

For Respondents : Mr.K.S.Selvaganesan

Additional Government Pleader

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus, directing the 1st respondent to enquire the D.No.3032/2022 dated 26.05.2022, registered before the 3rd respondent office and endorse the report of the enquiry before the 2nd respondent office and consequently take action against the 3rd respondent, based on the petitioner's representation, dated 01.06.2022.



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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 the sixth respondent has borrowed a sum of Rs.3,00,000/- from the petitioner and executed a promissory note in favour of her on 07.06.2021. Thereafter, the sixth respondent has not paid any amount to her. Hence, the petitioner has filed a suit in O.S.No.27 of 2022 before the Sub Judge, Nanguneri and the same is pending. On 26.05.2022, the respondents 6 and 7 have executed a sale deed in respect of 36 survey numbers in favour of the petitioner, before the third respondent Office as Document No.3032/2022. But the third respondent has no jurisdiction to register the document. Hence, the petitioner has made a representation to the respondents 1 to 3 on 01.06.2022. Since they have not taken any action till date, the petitioner has approached this Court, seeking for a direction to the first respondent to enquire the D.No.3032/2022 and take action against the third respondent.



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4. The learned Additional Government Pleader appearing for the respondents 1 to 3 would submit that the averments are totally false and according to the respondents, the petitioner has already filed a suit for recovery of money and she has also filed an I.A. for attachment of suit scheduled properties. But no order has been passed in the said I.A. and only there is an order prohibiting the said authority from registering any document.

5. Regarding the averment made by the petitioner that the respondents 6 and 7 have registered the property in different Sub Registrar Office, after getting no objection certificate only they have registered the sale deed and hence, the averment made by the petitioner cannot be taken into account and the same has to be dismissed in toto. As the petitioner has levelled only allegation and it is not proved with proper documents, this Court is of the view that the petitioner has not made out a case for passing any order against the respondents, but only directs the respondents 1 to 3 to consider the representation of the



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petitioner, dated 01.06.2022 and if at all anything is found, they have to give notice to the purchasers and the vendor and then pass appropriate orders, within a period of sixteen weeks from the date of receipt of a copy of this order. It is made clear that the petitioner has no right to seek for rejection of the said document as the civil suit is pending.

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

22.09.2022

Index:Yes/No
Internet:Yes/No

akv

To

- 1.The District Registrar,
Tirunelveli Registration District,
Palayamkottai,
Tirunelveli.
- 2.The Sub Registrar,
Moolakaraipatti Sub Registrar Office,
Moolakaraipatti,
Tirunelveli District.

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3. The Sub Registrar,
Radhapuram Sub Registrar Office,
Radhapuram,
Tirunelveli District.



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V.BHAVANI SUBBAROYAN,J.

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