



W.P.(MD).No.25347 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.11.2022

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.(MD)No.25347 of 2022

and

W.M.P.(MD).No.19435 of 2022

Muthu

... Petitioner

vs.

- 1.The District Registrar,
O/o.the District Registrar,
Combined Court Campus,
Cantonment,
Tiruchirapalli 620 001.
- 2.The Sub Registrar,
O/o. the Sub Registrar,
Thuvarankurichi,
Marungapuri Taluk,
Tiruchirapalli District 621 305.
- 3.M.Ramalingam
- 4.R.Soundarrajan
- 5.R.Nallusamy
- 6.S.Thangapandian
- 7.S.Kandasamy
- 8.N.Manikandan
- 9.N.Saravanakumar
- 10.R.Dhanam

... 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 respondents 1 and 2 not to register any document to be presented by the respondents 3 to 9 in respect of the properties in S.Nos.313/1, 323/1 & 2, 327/20, 334/2, 370/7 & 8 of Pirampatti South Village, Marungapuri Taluk, Trichy District, more fully mentioned in the schedule of property in O.S.No.363 of 2004, pending on the file of Principal District Munsif, Manapparai, till the disposal of the said civil suit, in terms of the Circular of the Inspector General of Registration, Chennai in Na.Ka.No.39708/C1/2018, dated 04.10.2018 and the representation of the petitioner, dated 29.10.2022.

For Petitioner : Mr.G.Kannan
For R1 & R2 : Mr.K.S.Selvaganesan
For R3 to R9 : Mr.M.Pitchaimuthu

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents 1 and 2 not to register any document to be presented by the respondents 3 to 9 in respect of the properties in S.Nos.313/1, 323/1 & 2, 327/20, 334/2, 370/7 & 8 of Pirampatti South Village, Marungapuri Taluk, Trichy District, more fully



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mentioned in the schedule of property in O.S.No.363 of 2004, pending on the file of Principal District Munsif, Manapparai, till the disposal of the said civil suit, in terms of the Circular of the Inspector General of Registration, Chennai in Na.Ka.No.39708/C1/2018, dated 04.10.2018 and the representation of the petitioner, dated 29.10.2022.

2. The case of the petitioner is that the third respondent is the father and respondents 4 and 5 are the elder brothers of the petitioner. The respondents 6 and 7 are the sons of the fourth respondent and the respondents 8 and 9 are the sons of the fifth respondent. The 10th respondent is the sister of the petitioner. The fourth respondent has filed a suit in O.S.No.363 of 2004 before the Principal District Munsif Court, Manapparai, seeking for partition in respect of the properties in S.Nos. 313/1, 323/1, 370/8B, 334/2B1, 334/2B2, 327/30, 370/7, 323/2B in Pirampatti South Village, Manapparai Taluk, Tiruchirapalli District and also in respect of the properties in S.Nos.311/1, 311/2, 327/30 and 370/4AA in Puluvanji East Village, Manapparai Taluk, Tiruchirapalli District. Pending trial, the respondents 3 and 4 have executed a sale deed



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on 05.03.2007, in favour of one Subramanian, to the extent of 30 cents from the ancestral properties, in which the petitioner is also having 1/5th share. In order to defeat the petitioner's share in the ancestral properties, the respondents 3 and 5 are still indulging in such activities of executing sale deeds, settlement deeds in respect of the above properties, which would lead to multiplicity of proceedings in Court, affecting the interest of not only the petitioner and 10th respondent herein, but also the interest of the third parties.

3. The learned Principal District Munsif, Manapparai has originally passed a judgment and decree in the suit in O.S.No.363 of 2004, on 29.09.2016, for partition. Against which, an appeal in A.S.No. 132 of 2016 was filed before the learned I Additional Subordinate Court, Tiruchirapalli, in which a judgment was delivered on 28.01.2019, remitting the matter back to the trial Court viz., Principal District Munsif, Manapparai, with a direction to implead the mother of the petitioner also as party defendant and to continue the suit. Subsequently, Tmt.Chinthamaniammal was impleaded as 12th defendant in the suit.



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However, the 12th defendant was passed away on 18.09.2019 and the suit in O.S.No.363 of 2004 is still pending before the learned Principal District Munsif Court, Manapparai, for further adjudication.

4. When the matter stood thus, the respondents 3 and 4 have executed two settlement deeds on 01.10.2021, in favour of the 6th respondent and 7th respondents, the sons of fourth respondent in respect of the ancestral properties in S.No.313/4 of Pirampatti South Village, in which the petitioner is having the right of share. Likewise, the third and fifth respondents have executed two settlement deeds dated 01.10.2021 in favour of 8th and 9th respondents, the sons of fifth respondent. The executants got title only through Patta No.1056, in which the petitioner is also a joint pattadar. The second respondent ought not to have registered the above settlement deeds, without the consent or signature of the petitioner. Hence, the petitioner has given a protest petition dated 30.12.2021, requesting the second respondent not to register the documents, if any presented by the respondents 3 to 9 in respect of the above said properties. However, the second respondent has passed an



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order stating that registration cannot be stopped based on his protest petition and advised the petitioner to get permanent remedy from appropriate Court. Therefore, the petitioner has filed the present writ petition.

5. Heard the learned counsel for the petitioner, learned Additional Government Pleader appearing for the respondents 1 and 2 and Mr.M.Pitchaimuthu, learned counsel appearing for the respondents 3 to 9.

6. Considering the above facts, there shall not be any alienation either by the petitioner or by the respondents 3 to 9 in respect of the subject property and all the documents registered subsequent to the filing of the suit are subject to the outcome of the civil suit. If the petitioner is interested, he has to file a revision petition before the civil Court for early disposal of the suit in O.S.No.363 of 2004, which is pending from the year 2004.



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7. With the above observations, this Writ Petition is disposed of.

No costs.

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akv

To

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- 2.The Sub Registrar,
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V.BHAVANI SUBBAROYAN,J.

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