



W.P.(MD)No.26318 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 22.11.2022

CORAM

THE HONOURABLE Mrs. JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition (MD) No.26318 of 2022

I.Annapacikyam

.. Petitioner

Versus

The Sub-Registrar,
Office of the Sub-Registrar,
Kariapatti,
Virudhunagar District.

.. Respondent

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondent to make an entry of the Judgment and Decree, dated 09.02.2017, passed in O.S.No.61/2010 on the file of the Sub-Court, Aruppukottai and Judgment and Decree dated 15.12.2020 passed in A.S.No.48/2017, on the file of the Additional District and Sessions Court, Virudhunagar, in the Encumbrance Certificate in respect of the suit schedule mentioned properties *i.e.*, land measuring an extent of 83 Cents comprised in Sy.No.192/5A, 82 Cents in Sy.No.192/5B, 37 Cents in Sy.No.192/6, 61 Cents in Sy.No.192/7, 36 Cents in Sy.No.193/4, 23 Cents in Sy.No.193/5, 1.00 Acre in Sy.No.193/6, 63 Cents in Sy.No.193/7, 1 Acre and 31 Cents in Sy.No.139/1, 38 Cents in Sy.No.139/4, 1 Acre and 6 Cents in Sy.No.133/2, 3 Acres and 43 Cents in Sy.No.249/1, 3 Acres and 21 Cents in Sy.No.237/2 and 41 Cents in Sy.No.136/2A, situated in Thoppur Village and land measuring an extent of 94 Cents in Sy.No.63/10, 3 Acres and 84 Cents in Sy.No.87/1A, 1 Acre and 94 Cents in Sy.No.87/1C, situated in



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Chittumoondradaippu Village, on the basis of the petitioner's representation, dated 17.10.2022.

For Petitioner : Mr.B.Muneeswaran
For Respondent : Mr.K.S.Selvaganesan
Additional Government Pleader

ORDER

The petitioner has prayed for issuance of a Writ of Mandamus, directing the respondent to make an entry of the Judgment and Decree, dated 09.02.2017, made in O.S.No.61/2010 on the file of the Sub-court, Aruppukottai and the Judgment and Decree, dated 15.12.2020, made in A.S.No.48/2017, on the file of the Additional District and Sessions Court, Virudhunagar, in the Encumbrance Certificate in respect of the suit schedule mentioned properties *i.e.*, the lands measuring an extent of 83 Cents comprised in Sy.No.192/5A, 82 Cents in Sy.No.192/5B, 37 Cents in Sy.No.192/6, 61 Cents in Sy.No.192/7, 36 Cents in Sy.No.193/4, 23 Cents in Sy.No.193/5, 1.00 Acre in Sy.No.193/6, 63 Cents in Sy.No.193/7, 1 Acre and 31 Cents in Sy.No. 139/1, 38 Cents in Sy.No.139/4, 1 Acre and 6 Cents in Sy.No.133/2, 3 Acres and 43 Cents in Sy.No.249/1, 3 Acres and 21 Cents in Sy.No.237/2 and 41 Cents in Sy.No.136/2A, situated in Thoppur Village and land measuring an extent of 94 Cents in Sy.No.63/10, 3 Acres and 84 Cents in Sy.No.87/1A, 1 Acre and 94 Cents in Sy.No.87/1C, situated in Chittumoondradaippu Village, on the basis of her representation, dated 17.10.2022.



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2. Heard Mr.B.Muneeswaran, learned counsel appearing for the petitioner and Mr.K.S.Selvaganesan, learned Additional Government Pleader, who takes notice for the respondent. By consent of the learned counsel appearing for the parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. According to the learned counsel for the petitioner, the aforementioned properties belonged to the petitioner's father namely, Chinnappa Nadar by way of inheritance. He died intestate, leaving behind the petitioner, her brothers and sisters as his legal heirs. One of her sisters namely, Annammal also died intestate, leaving behind her only daughter namely, Kuzhanthaiammal as her legal heir. After the demise of their father, the revenue records got mutated and Patta was issued in the name of their elder brother namely, Adikannu and they were in joint possession and enjoyment of the aforesaid properties. While so, the petitioner and her other sisters sought partition of the properties. However, their brothers Adikannu and Jayaram refused the same. Hence, the petitioner along with her sisters namely, Ananthammal and Mariammal and her sister's daughter, namely, Kuzhanthaiammal filed a suit in O.S.No.61 of 2010, on the file of the Sub-Court, Aruppukottai, seeking 4/6 share in the aforesaid properties. The said suit was decreed in their favour. The appeal filed by her brothers in A.S.No.48



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of 2017, on the file of Additional District and Sessions Court, Virudhunagar, was dismissed on 15.12.2020 and same has become final, as there is no appeal filed against the said judgment and decree. In spite of the same, the petitioner's brothers are attempting to sell the aforementioned properties without the petitioner's knowledge and consent. Hence, the petitioner sent a representation dated 17.10.2022, to the respondent to make an entry of the judgments and decrees made in the aforesaid suit and the appeal. However, the respondent has not considered the request of the petitioner so far. Hence, the petitioner has filed the present Writ Petition for the relief stated supra.

4. The learned Additional Government Pleader appearing for the respondent submitted that the representation of the petitioner, dated 17.10.2022, would be considered and appropriate order would be passed, within a time frame to be fixed by this Court.

5. Considering the fact that there is no limitation for registering the Court's decree and also considering the submission of the learned Additional Government Pleader appearing for the respondent, this Court, without going into the merits of the case, directs the petitioner to approach the respondent along with certified copies of the judgment and decree, dated 09.02.2017, made in O.S.No.61/2010, on the file of the Sub-court, Aruppukottai and the judgment and decree, dated 15.12.2020, made in A.S.No.48/2017, on the file



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of the Additional District and Sessions Court, Virudhunagar, within a period of one week from the date of receipt of a copy of this order. On receipt of the same, the respondent is directed to consider representation of the petitioner, dated 17.10.2022, after issuing notice to all the necessary parties concerned and pass appropriate orders on merits and in accordance with law, within a period of three weeks thereafter.

6. This Writ Petition stands disposed of with the above direction. No costs.

Index : Yes/No
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To

The Sub-Registrar,
Office of the Sub-Registrar,
Kariapatti,
Virudhunagar District.



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V.BHAVANI SUBBAROYAN, J.

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Order made in
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