



WEB COPY



W.P.No.1822 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2023

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THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

W.P.No.1822 of 2023
and WMP.No.1937 of 2023

Malar

... Petitioner

Versus

1. The Inspectdor General of Registration,
No.100 Santhome High Road,
Mulliamma Nagar,
Mandavalipakkam,
Raja Annamalaipuram, Chennai- 600 028.

2. The Deputy Inspector General
of Registration,
Collector Office Compound,
Salem- 1.

3. The District Registrar,
Krishnagiri District.

4. The Sub Registrar,
Sub Registrar office, Kaveripattinam,
Krishnagiri District.

5. Yesuraj (a) Kanmani Raja

6. Kaveri

7. R.Sakthivel

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the 3rd Respondent to consider the Petitioner complaint dated 08.05.2021 and to conduct an enquiry upon the same with respect to property bearing 12.5 cents of land in S.No. 227/12C, 10 Cent of land in S.No. 227/12E 17.5 cents of land in S.No. 227/12G and 32 cents of land in S.No.228/20 total aggregating 72 cents and pass orders in Na.Ka. No. 2410/ A1 / 2021 upon the same within a time frame as fixed by this Honble Court.

For Petitioner : Mr.Hari Karan
For Respondent : Mr.Yogesh Kannadasan
SGP RR1 to 4

ORDER

This Writ Petition has been filed seeking a direction to the 3rd Respondent to consider the Petitioner's complaint dated 08.05.2021 and to annul the documents which was executed by her.

2. Mr.Yogesh Kannadasan, learned Special Government Pleader, takes notice on behalf of the respondents 1 to 4.

3. It is the case of the petitioner that the property in question is ancestral property and the petitioner is having 1/5th share in the disputed property.



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However, the 5th respondent, who is the brother of the petitioner, sold the said property to the 6th respondent. Thereafter, the petitioner gave a representation on 08.05.2021 to the third respondent to annul the registered document.

4. This Court is of the view that such a direction cannot be given to the petitioner. The Authorities can conduct enquiry only in respect of the documents executed in respect of the property covered under Section 22-A and 22-B of the Registration Act. Whereas merely because one of the co-sharer has dealt with the property, claiming to be owner of the property, those documents cannot be annulled by the authorities. It is relevant to note that the power of sale of undivided share is also very well available under Section 44 of the Transfer of the Property Act.

5. Such view of the matter, the remedy of the petitioner lies elsewhere by filing necessary suit to annul the document. Accordingly, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is also closed.

27.01.2023

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N.SATHISH KUMAR, J.

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To

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