



WP(MD)No.2231 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **11.10.2023**

CORAM

THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

W.P.(MD)No.2231 of 2021

and

W.P.(MD)No.1848 of 2021

Krishnaveni

...Petitioner

/Vs./

1.The District Registrar,
District Registration Office,
4A, Thirupathhur Salai,
Sivagangai – 630 561.

2.The Joint II Sub Registrar,
Sub Registrar Office,
Senji, Karaikudi – 630 001.

3.Singarathammal

...Respondents

PRAYER:- Petition - filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents not to register any other document in the above said Survey numbers mentioned in the Patta No.286 Ariyakudi Group, Ariyakudi Village, Sakkottai Union, Karaikudi Circle, Sivagangai District and commence the prosecution against the private respondent for making false statement and selling the properties of another.



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For Petitioner : Mr.S.Suresh Kumar Isaac Paul

For Respondents : Mr.B.Saravanan (R1 & R2)

Additional Government Pleader

ORDER

This writ petition has been filed for issuance of writ of mandamus, directing the respondents not to register any document pertaining to the subject property, which are presented for registration by the third respondent.

2. Heard Mr.S.Suresh Kumar Isaac Paul, learned counsel for the petitioner and Mr.B.Saravanan, learned Additional Government Pleader for the first and second respondents.

3. The case of the petitioner is that the properties in patta No.286 in Ariyakudi Group, Ariyakudi Village, Sakkottai Union, Karaikudi Circle, Sivagangai District are the ancestral properties of the husband of the petitioner. According to the petitioner, a partition suit was filed and an appeal was also filed against the same in A.S.No.21 of 2017 and each of the sharers was given 1/36th share. According to the petitioner, the third respondent was also given only 1/36th share in the property.



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4. The grievance of the petitioner is that the third respondent is dealing with the entire property and executing documents and the same were also entertained by the second respondent. Hence, the petitioner made a representation to the second respondent not to entertain the documents and register the same. Since the same was not considered, the present writ petition has been filed before this Court.

5. The learned Additional Government Pleader appearing on behalf of the first and second respondents submitted that patta with respect to subject property stands in the name of the third respondent. In view of the same, the documents that are presented for registration were entertained by the second respondent.

6. Taking into consideration the facts and circumstances of the case and the limited relief sought for in this writ petition, there shall be a direction to the second respondent to consider the objection made by the petitioner and if the competent civil Court has already passed a decree by determining the share of the third respondent and the third respondent is attempting to sell the properties beyond the share that was allotted, a decision shall be taken by the second



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respondent based on the objection given by the petitioner while dealing with registration of documents.

7. This writ petition is disposed with the above directions. No costs.

Consequently, connected miscellaneous petition is closed.

11.10.2023

NCC : Yes/No
Internet :Yes/No
Index :Yes/No
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TO:-

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Sub Registrar Office,
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N.ANAND VENKATESH, J.

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Order made in
W.P.(MD)No.2231 of 2021

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