



W.P.(MD)No.16130 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.16130 of 2023

and

W.M.P.(MD)No.13517 of 2023

V.Mallika

... Petitioner

versus

1. The District Registrar,
Tiruchirappalli District
Tiruchirappalli.

2. The Sub Registrar,
Manapparai Taluk,
Manapparai,
Tiruchirappalli District.

3. Rajamani Ammal

4. Saravanapriya

5. Minor Subash

6. Minor Harish

7. Sasikala



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8. Gowri

9. Selvam

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, to direct the 2nd respondent to take appropriate action upon the petitioner's objection dated 16.06.2023 in respect of the property situate in Survey No. 489/2C, Porundhalur Village, Kulithalai Taluk, Karur District and to register the same in the 'objection register' and conduct appropriate enquiry in accordance with law, within the time frame to be fixed by this Court.

For Petitioner : Mr.S.Bakrudeen

For R1 and R2 : M/s.D.Farjana Ghousia,
Special Government Pleader

ORDER

The petitioner, with a grievance that the 8th respondent herein is claiming right over the property in Survey No.489/2C situated at Porundhalur Village, Kulithalai Taluk, Karur District, on the strength of the fraudulent sale deed and is also attempting to plot out the said property, has filed this writ petition stating that her objections made



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before the second respondent has not been considered so far.

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2. According to the petitioner, she purchased the property to an extent of Ac.2.53 cents in Survey No.489/2C and also an extent of Ac.0.50 cents in Survey No.489/2C from the legal heirs of one Erachi Reddiar and Ramasamy Reddiar vide a registered sale deed dated 30.09.1985. While so, the respondents 3 to 7 had created a fraudulent sale deed dated 31.12.2012 vide Document No.8059/2012 as if they are conveying their absolute right over the said property in favour of the 8th respondent. Subsequently, the petitioner has also filed a suit in O.S.No. 235 of 2013 before the District Munsif, Kulithalai, seeking declaration, permanent injunction and also to declare that the document No. 8059/2012 dated 31.12.2012 is null and void. Pending the suit, the 8th respondent had executed a power of attorney in favour of the 9th respondent in respect of the above said property on the strength of the fraudulent sale deed. Therefore, she submitted her objections to the second respondent not to register any document with regard to the



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property in Survey No.489/2C. Now, according to the petitioner, the 8th respondent is attempting to plot out the property. Therefore, she made her objections on 16.06.2023 before the second respondent, however, no action has been taken. Hence, the present writ petition has been filed seeking direction to the 2nd respondent to take appropriate action upon the petitioner's objection dated 16.06.2023 and to register the same in the 'objection register' and conduct appropriate enquiry in accordance with law

3. It appears that the petitioner has already filed a Civil Suit in O.S.No.235 of 2013 before the District Munsif Court, Kulithalai, seeking declaration, permanent injunction and also to declare that the document No.8059/2012 dated 31.12.2012 is null and void.

4. It appears that the petitioner has not obtained any interim order in her suit. Mere pendency of suit alone cannot be a bar for the registering authorities to deny the document. The petitioner has to



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work out her remedy before the concerned Court by filing necessary application seeking injunction restraining the private respondents not to alienate the property. In the event any such application is filed, the trial Court shall consider the same on its merits as expeditiously as possible. Considering the fact that the suit filed by the petitioner is of the year 2013, the trial Court shall endeavour to dispose of the suit as expeditiously as possible.

5. Accordingly, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

04.07.2023

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NCC : Yes / No.
Index : Yes / No.
Internet : Yes / No.

To

1. The District Registrar,
Tiruchirappalli District
Tiruchirappalli.

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B.PUGALENDHI, J.

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2. The Sub Registrar,
Manapparai Taluk,
Manapparai,
Tiruchirappalli District.
3. The District Munsif Court,
Kulithalai.

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