



W.P.(MD)No.22047 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.11.2023

C O R A M

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.22047 of 2021

Manimegalai

... Petitioner

-VS-

1.The District Registrar,
O/o.District Registrar Office, Sivagangai,
Sivagangai District

2.The Sub-Registrar,
O/o.Sub-Registrar Office, Manamadurai,
Sivagangai District.

3.M.Sudhakaran

4.M.Suresh

5.M.Ravi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing to the respondents 1 and 2 to consider the petitioner's representation dated 04.12.2021, within a stipulated time.

For Petitioner : Mr.R.Rajesh

For R1 and R2 : Ms.D.Farjana Ghoushia
Special Government Pleader



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ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus, directing the respondents 1 and 2 to deal with the representation made by the petitioner on 04.12.2021, wherein the petitioner has made a protest/objection petition and wants the same to be considered while entertaining any document with respect to the subject property.

2. Heard the learned counsel appearing on behalf of the petitioner and the learned Special Government Pleader appearing on behalf of the respondents 1 and 2.

3. It is clear from the averments made in the affidavit that the father of the petitioner was an agreement holder with the respondents 3 to 5. According to the petitioner, the respondents 3 to 5 are not executing any sale deed in favour of the petitioner even after the demise of her father and was also refusing to repay back the advance amount. In the meantime, the respondents 3 to 5 were trying to sell the property. Hence, the petitioner had given an objection petition.



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4. As an agreement holder, the petitioner has to necessarily work out her remedy before the competent Civil Court by filing a suit for specific performance. Without doing the same, no useful purpose will be served by filing a protest/objection petition before the second respondent. This is more so, since the respondents 3 to 5 are the owners of the property and they cannot be prevented from dealing with the property by merely filing a protest petition.

5. In view of the above, the relief sought for in the Writ Petition cannot be granted by this Court and accordingly, this Writ Petition stands dismissed.

No costs.

NCC : Yes/No
Index : Yes/No
smn2
To

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- 1.The District Registrar,
O/o.District Registrar Office, Sivagangai,
Sivagangai District
- 2.The Sub-Registrar,
O/o.Sub-Registrar Office, Manamadurai,
Sivagangai District.

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N.ANAND VENKATESH, J.

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