



W.P.(MD)No.10645 of 2016

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :13.03.2023

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(MD)No.10645 of 2016

and

W.M.P.(MD).No.8261 of 2016

R.Padmavathy

... Petitioner

Vs.

1.The District Registrar,
Registration Department,
Dindigul,
Dindigul District.

2.The Joint Sub Registrar No.1,
Registration Department,
Dindigul,
Dindigul District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records of the first respondent relating to his proceedings in No. 6671/Aa1/2014 dated 28.07.2015 quash the same and remand back the matter to the first respondent and direct him to conduct a fresh enquiry by giving sufficient opportunity to the petitioner for perusing the documents

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produced by the opposite parties.

For Petitioner :Mr.N.Tamilmani

For Respondents :Mr.M.Prakash
Additional Government Pleader

ORDER

The petitioner has assailed an order dated 28.07.2015 of the first respondent by which the request of the petitioner on 11.08.2014 to cancel the conveyances registered in favour of a private third party was rejected.

2. The petitioner asserts that his father, Ramasamy, had purchased the property in Survey No.701/1, 2, 3, 4 in Balakrishnapuram, Dindigul, in October 2001 under document No.160 of 2001. According to the petitioner, the said property was bequeathed to her under document No.1316 of 2006. Document No.1316 of 2001 was not registered and returned to the petitioner in spite of paying the deficit stamp duty and registration fees. The petitioner further asserts that one Subba Pillai made false claims in respect of the above mentioned property and sold the property in connivance with the



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individual mentioned in paragraph 4 of the affidavit. In these circumstances, the petitioner submitted a representation on 11.08.2014 to the first respondent. The said representation was rejected by the impugned order on 28.07.2015.

3. Learned counsel for the petitioner states that the impugned order was issued largely on the ground that the petitioner did not submit the requisite documents. Shortly after the impugned order was issued, learned counsel submits that an application was submitted under the Right to Information Act on 12.08.2015 and the relevant documents were received. Therefore, he makes a request that the respondents be directed to re-consider the matter.

4. In response to the submissions, learned Additional Government Pleader submitted that the impugned order does not suffer from any infirmity. By drawing reference to the operative portion of the impugned order, learned Additional Government Pleader submitted that the first



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respondent noticed and recorded that relevant documents in support of the alleged claim of the petitioner were not produced. He further submits that disputed questions of fact relating to title to property are involved and that the appropriate forum for adjudication thereof is a civil court.

5. On perusal of the impugned order, it is evident that the principal ground on which the said order was issued was that relevant documents were not produced. It is also evident from the impugned order that there is a title dispute between the petitioner, on the one hand, and Thiru.Subba Pillai, on the other. Any dispute relating to title is required to be adjudicated by the jurisdictional civil court. In the case on hand, admittedly, relevant documents were not produced before the first respondent. Consequently, the impugned order does not suffer from any infirmity.

6. For reasons set out above, W.P.(MD).No.10645 of 2016 is dismissed by leaving it open to the petitioner to initiate appropriate civil



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proceedings before the jurisdictional civil court. If such proceedings are initiated, it will be open to the petitioner to claim the benefit of appropriate provisions of the Limitation Act, subject to the right of the receiving court to decide such issues. There shall be no order as to costs. Consequently, connected W.M.P.(MD).No.8261 of 2016 is closed.

13.03.2023

NCC :Yes/No
Internet :Yes/No
Index :Yes/No
sbn

To

1.The District Registrar,
Registration Department,
Dindigul,
Dindigul District.

2.The Joint Sub Registrar No.1,
Registration Department,
Dindigul,
Dindigul District.



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SENTHILKUMAR RAMAMOORTHY, J.

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