



W.P(MD)No.24023 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.02.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.24023 of 2022

and

W.M.P(MD)No.18121 of 2022

1.Padmanaban Ramasamy

2.Nallammal

... Petitioners

Vs

1.The District Registrar [Administration],
Registration Department,
Collectorate Complex Back Side,
Thanthonimalai,
Karur – 639 007.

2.K.Kaliyammal

3.Subbarayan

4.Parameswari

5.Dhanalakshmi

6.Palanisamy

7.Kandasamy

8.Sivasamy

9.Kaliyannan

10.Lakshmi

11.V.Ramesh Kumar

***(R.11 is impleaded vide order of
Court dated 01.02.2023)***

... Respondents



W.P(MD)No.24023 of 2022

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records relating to Na.Ka. No.3839/A3/2022 dated 26.09.2022 on the file of the first respondent herein - quash the same.

For Petitioners : Mr.V.Meenakshi Sundaram
for P.Samuel Gunasingh

For Respondents : Mr.S.Shanmugavel
Additional Government Pleader for R.1

Mr.B.Saravanan
Senior Counsel
for Mr.J.Senthilkumaraiah for R.11

No Appearance for R.2, R.7 to R.10

Tapal returned for R.3 to R.6

ORDER

Heard the learned counsel appearing for the writ petitioner, the learned Additional Government Pleader appearing for the first respondent and the learned counsel appearing for the impleaded respondent.

2.The case of the writ petitioners is that the property is belonged to Silambanna Gounder and that therefore their title is valid and sound. The case of the impleaded respondent is that the property originally stood only in the name of Rakkaia Gounder and that they claim through the daughter's branch,



W.P(MD)No.24023 of 2022

namely, Karuppayee. By the impugned order, the first respondent had virtually gone into the title of the rival parties. In my view, the first respondent could not have done so. It is also brought to my notice that the impleaded respondent had subsequently filed O.S.No.379 of 2022 on the file of District Court, Karur. The prayer in the suit is for partition. Since the first respondent could not have gone into the disputed issues of title, the same is set aside.

3.The learned Senior Counsel however brought it to my notice that even before UDR, in the A-Register the name of Rakkia Gounder has been shown in respect of quite a few survey numbers. This aspect cannot be lost sight of by the writ Court. For this reason, I restrain the registering authority, namely, Sub Registrar Officer, Velliyanai from registering any document in respect of the petition mentioned lands for a period of sixteen weeks. It is open to the impleaded respondent to file an Interlocutory Application in O.S.No.379 of 2022. The same shall be numbered immediately by the learned Trial Judge and disposed it of on merits and in accordance with law within a period of twelve weeks thereafter. I make it clear that I have not gone into the merits of the matter. The contentions of both the parties are left open.



W.P(MD)No.24023 of 2022

4.This writ petition is disposed of with the aforesaid directions. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

14.02.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
MGA

To

The District Registrar [Administration],
Registration Department,
Collectorate Complex Back Side,
Thanthonimalai,
Karur – 639 007.



WEB COPY



W.P(MD)No.24023 of 2022

G.R.SWAMINATHAN, J.

MGA

W.P(MD)No.24023 of 2022
and
W.M.P(MD)No.18121 of 2022

14.02.2023