



W.P(MD)No.25671 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.11.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.25671 of 2023

and

W.M.P.(MD)No.21844 of 2023

Loganathan

... Petitioner

Vs.

1.The Sub Registrar,
Kujiliamparai Sub Registrar Office,
Palani Registration District,
Dindigul.

2.kannammal

3.Valarmathi

4.P.Balu @ Balaguru

5.Natraj

6.Manimegalai

7.Kousalya

8.Renganathan

9.Ramaprabha

10.Lakshmi Priya @ Lakshmi Prabha

11.Varadharaj



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12.Amsavalli

13.Divya

14.Deivakanni

15.Ponraj

16.Maharani

17.Velmurugan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the 1st respondent to receive the document presented by the petitioner for registration in Temporary No. TP/158291044/2023 and proceed as per the procedure contemplated under Section 34 of the Registration Act.

For Petitioner : Mr.S.M.ArunKumar

For Respondents : Mr.M.Sidharthan
Additional Government Pleader for R1

ORDER

Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the first respondent.

2. The sale deed dated 25.08.2023 was executed in favour of the petitioner for conveying the petition mentioned property. The property stood in the name of Rengasamy Naicker and the 14th respondent. Rengasamy Naicker



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had passed away. He was survived by six legal heirs. Out of them, one Lakshmi died in a road accident. The petitioner was under the bonafide belief that R4 to R6 are the legal heirs of the deceased Lakshmi. However, when the document was presented for registration, one Raja popped up and claimed that he is also a legal heir of the deceased Lakshmi and that the petition mentioned sale deed could not have been executed by excluding him. Therefore, the first respondent returned the document. He did not even accept the document registration. That led to filing of this writ petition.

3. When the matter was taken up for hearing, the learned Additional Government Pleader submitted that during the intervening period, the legal heirs of Rengasamy Naicker and 14th respondent have joined together and sold the property in favour of some other person.

4. In these circumstances, nothing survives for adjudication. The petitioner has to necessarily move the jurisdictional civil Court for enforcing his rights if any. Time spent for prosecuting this writ petition will stand excluded for all purposes.

5. With this liberty to the petitioner, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

06.11.2023

Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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To

The Sub Registrar,
Kujiliamparai Sub Registrar Office,
Palani Registration District,
Dindigul.

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