



W.P.No.11459 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 09..07..2024

Coram

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Writ Petition No.11459 of 2021

Santhimary

..... Petitioner

-Versus-

1.The Sub Registrar,
Sub Registrar Office,
Katpadi, Vellore – 59.

2.The Registrar,
District Registrar Office,
Vellore.

3.Lilly Anthoniammal

4.Elizabeth Rani

5.Karthick Gloudys

6.Santhosh Rosario

7.Angel Kalaiselvi

8.Joseph

..... Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a *Writ of Mandamus* directing the respondents 1 to 3 to stop the illegal registration of properties comprised in S.Nos.91, 92/3 as per Patta No.1367; S.No.94/6, 96/11, 96/12 & 96/8 as per Patta No.389; and S.No.93/6A, 93/6C, 96/5, 96/6, 92/2 & 92/1 as per Patta No.794 situate at Vandaranthangal Village, Katpadi Taluk, Vellore District.



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For Petitioner : Mr.N.Saravanan

*For Respondent (s) : Mr.P.Anandakumar,
Government Advocate*

ORDER

This writ petition has been filed seeking a writ in the nature of mandamus, directing the respondents 1 to 3 to stop the illegal registration of properties comprised in S.Nos.91, 92/3 as per Patta No.1367; S.No.94/6, 96/11, 96/12 & 96/8 as per Patta No.389; and S.No.93/6A, 93/6C, 96/5, 96/6, 92/2 & 92/1 as per Patta No.794, situated at Vandaranthangal Village, Katpadi Taluk, Vellore District.

2. The case of the petitioner is that she is the daughter of the 3rd respondent; respondents 4 to 7 are Daniel's sons and daughters of her deceased elder brother-Daniel; 8th respondent is her younger brother; Rani Roselin, Gracy and Lilly Josephine are her sisters; her grandfather – Sowri Naidu died intestate on 08.12.1992; Sowri Naidu's is the son of Chinnappa Naidu (deceased); her father acquired a share in immovable properties comprised in various survey number from Chinnappa Naidu's siblings by virtue of oral partition; besides her father from and out of his own income purchased several



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other properties right from 1979 till 1987; neither her father nor her grandfather executed any settlement or Will during their life time in favour of any of their legal heirs; therefore, legal heirs of Sowri Naidu are entitled to equal share in the properties left behind them; her grandmother Mariyammal is also no more; during his life time, her father orally requested his elder brother to manage all the properties as leader of joint family properties; during his life time, her brother-Daniel had managed to obtain settlement deeds in 2007 from the 3rd respondent mother in respect of the properties purchased by her father in the name of the 3rd respondent; her brother-Daniel died on 15.08.2020; in the death ceremony of her brother, when 8th respondent asked her due share in the family properties, there arose dispute and when she (petitioner) questioned and asked 1/7th share in the properties, she was shown a consent deed and a promissory note dated 15.06.2019 as if she executed those documents in favour of her deceased brother Daniel; she never executed any consent deed or promissory note in favour of her deceased brother; the alleged unregistered consent deed and promissory note will not at all bind on her as the same are result of forgery; she is entitled to 1/7th share in the joint family properties; respondents 2 to 8 are acting against her interest in the joint family properties, hence the writ petition.



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3. Heard both sides.

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4. A careful perusal of the entire averments made in the affidavit filed in support of the writ petition would go to show that the petitioner made an attempt to establish her right for partition in the immovable properties alleged to have been left behind by her father. If at all the petitioner has any grievance that she was denied of her due share in the immovable properties, it is for her to work out her remedy in the manner known to law. The respondents 1 and 2 being statutory authorities this court cannot issue any blanket direction not to register any documents in respect of the subject properties as prayed in the writ petition. Thus, the writ petition is devoid of merits and the same is liable only to be dismissed.

In the result, the writ petition is dismissed. No costs.

Index : yes / no
Neutral Citation : yes / no
Speaking / Non Speaking Order
kmk

09..07..2024

To

- 1.The Sub Registrar, Sub Registrar Office, Katpadi, Vellore – 59.
- 2.The Registrar, District Registrar Office, Vellore.



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N.SATHISH KUMAR.J.,
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