



WP.Nos.14212 & 19421 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **01.08.2024**

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.Nos.14212 & 19421 of 2024

& WMP.No.15406 of 2024

S.Shyamala

.. Petitioner in W.P.No.14212

of 2024

S.Sarparajan

.. Petitioner in W.P.No.19421 of 2024

Versus

1. The Sub Registrar, Registration Department,
Panruti, Cuddalore District.

2. T.Sethuraman

.. Respondents in W.P.No.14212 of 2024

The Sub Registrar, Registration Department,
Panruti, Cuddalore District.

.. Respondent in W.P.No.19421 of 2024

Prayer W.P.No.14214 of 2024 : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first respondent to pass orders on the petitioner representation dated 25.4.2024 for not to register any document to the Property situated in S.No. 269-1D, 269-2C, 276-1, 276-2, 277-1, 277-2, 278 situated in Tiruvathy Village, Panruti Taluk, Cuddalore District by providing opportunity of hearing to petitioner and the second respondent within a time frame.



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Prayer W.P.No.19421 of 2024 : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondent consider petitioner representation dated 08.06.2024 to register Settlement deed dated 06.06.2024 on payment of registration charges.

For Petitioner : Mr.A.Reegan Ujakar [in both WPs]

For Respondents : Mr.B.Vijay
Additional Government Pleader – R1 in
W.P.No.14212 of 2024 & for respondent in
W.P.No.19421 of 2024

Mr.P.Kannan Kumar for R2 in W.P.No.14212
of 2024

ORDER

The Writ Petition in W.P.No.14212 of 2024 has been filed to consider the representation of the petitioner dated 26.04.2024 to not to register any document with respect to the property of the petitioner without providing an opportunity of hearing to the petitioner and the second respondent.

2. The Writ Petition in W.P.No.19421 of 2024 has been filed to direct the respondent to consider the representation of the petitioner dated 08.06.2024 to register the settlement deed dated 06.06.2024 on payment of registration charges.

3. Heard learned counsel for the petitioners and the learned Additional



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Government Pleader appearing for the first respondent in W.P.No.14212 of 2024 & the respondent in W.P.No.19421 of 2024 and the learned counsel for the second respondent in W.P.No.14212 of 2024 and perused the materials available on record.

4. The Writ Petitioner in W.P.No.14212 of 2024 is the mother and the petitioner in W.P.No.19421 of 2024 is the son. According to the writ petitioners, one Selvaraj Nadar, who is the husband of the petitioner in W.P.No.14212 of 2024 and father of the petitioner in W.P.No.19421 of 2024, purchased the subject properties in the year 1976 and since the date of purchase, he in absolute possession of the property till his death and after his death, his wife, the petitioners are in possession of the property. The further case of the petitioners is that the said Selvaraj Nadar took a loan of Rs.25,000/- from one Krishnamoorthy Reddiar by mortgaging the properties. As the loan has not been paid, the said Krishnamoorthy filed a mortgage suit against said Selvaraj Nadar in O.S.No.376 of 1988 and obtained an eparte decree. Some of the properties belonging to the said Selvaraj Nadar were under lock and seal as he had not paid the arrears of Commercial Tax, due to which the Commercial Tax Department obtained first charge over the property. Though series of sale notice were sent to Selvaraj Nadar, the property is still in possession of the petitioners. As the petitioner in



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W.P.No.14212 of 20204 wants to settle the property in favour of her son, viz., the petitioner in W.P.No.19421 of 2024, the present Writ Petitions have been filed.

5. It is the contention of the second respondent in W.P.No.14212 of 2024, since the petitioners have no title over the property, they cannot execute any document. The property has been mortgaged on 10.12.1976 and the suit for recovery of mortgage money has been filed in O.S.No.376 of 1999 and final decree has been passed in the suit on 21.09.1990. Thereafter, the Court auction was conducted and the property was sold in Court auction in favour of the second respondent on 23.11.1999 and sale certificate has also been registered as document No.12 of 1991. The Commercial Tax Department also filed an application in E.A.No.17of 2001 questioning the auction and the same was dismissed on 23.08.2005. Since the revenue records have been mutated in favour of the auction purchaser, these Writ Petitions have to be dismissed.

6. I have perused entire materials. It is brought to the notice of this Court, a Writ Petition has been filed by the writ petitioner in W.P.No.14212 of 2024 in W.P.No.20321 of 2021 for removing the entries in the revenue records claiming that she is retaining the title of the property. This Court, by an Order



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dated 09.02.2022, has dismissed the above Writ Petition. This fact has not been disclosed in the present Writ Petitions. That apart, as far as the sale in public auction and registration of the sale certificate are concerned, the same are not in dispute. In such view of the matter, the petitioners have no right over the property as the title has already been passed to the third party by operation of law in a Court auction and the petitioners cannot seek aforesaid directions to the revenue authorities. As the writ petitioners have suppressed material facts, these Writ Petitions are deserved to be dismissed by imposing heavy cost. However, considering the request made by the learned counsel for the petitioners, this Court restrain itself from imposing heavy cost.

7. Accordingly, these Writ Petitions are dismissed. No costs. Consequently, connected miscellaneous petition is closed.

01.08.2024

vrc

Index :Yes/No

Internet :Yes/No

Neutral Citation : Yes/No

To,

The Sub Registrar, Registration Department,
Panruti, Cuddalore District.



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N. SATHISH KUMAR, J.

vrc

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