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W.P.No.20874 of 2024
and W.M.P.No.22826 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.20874 of 2024
and W.M.P.No.22826 of 2024

P.Jayaramarajadurai

...

Petitioner

versus

1.The Inspector General of Registration,
Santhome High Road,
Mullima Nagar,
Mandavelipakkam,
Raja Annamalaipuram,
Chennai - 600 028.

2.The District Registrar,
Cuddalore District,
Cuddalore.

3.The Sub-Registrar,
Kurinchipadi Sub-Registrar Office,
Cuddalore District.

4.The District Collector,
Cuddalore District,
Cuddalore.

5.The Tahsildar,
Kurinchipadi Taluk,
Cuddalore District - 607 302.



6.Vetriselvan

7.Santhoshkumar

...

Respondents

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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 1 to 3 to cancel the registered partition deed in favour of the 6th and 7th respondents *vide* Document No.1253/2024 reflected in EC dated 14.05.2024 on the file of the Sub-Registrar, Kurinjipadi as per the petitioner's representation dated 29.05.2024.

For Petitioner	:	Mr.S.Satheeshkumar
For Respondent Nos.1 to 3	:	Mr.M.Shajahan Special Government Pleader
For Respondent Nos.4 & 5	:	Mr.G.Ameedius Government Advocate

ORDER

By consent of both sides, this Writ Petition is disposed of at the stage of admission itself.

2. This Writ Petition is filed to direct the respondents 1 to 3 to cancel the registered Partition Deed executed in favour of the respondents 6 and 7 dated 14.05.2024 on the file of the Sub-Registrar, Kurinjipadi, as per the petitioner's representation dated 29.05.2024.



3. It is the case of the writ petitioner that by creating false documents, the partition deed has been registered and hence, he seeks a direction to cancel the document on the basis of the representation.

4. I have perused the representation. The very representation itself indicates that there is a civil dispute between the petitioner's father and his uncle and the same is pending in S.A.Nos.1306 of 2011, 1307 of 2011 and 1308 of 2011. That apart, the other suits are also pending and now the document has been registered on the basis of the Will said to have been executed by the uncle of the petitioner. Therefore, according to him, the Sale Deed also referred to the other Survey Number which was not at all the subject matter of the Will. Hence, the document is sought to be cancelled by the respondents 1 to 3.

5. At the outset, this Court is of the view that the very representation itself indicates that there is purely a civil dispute and suits are also pending. If at all any transactions took place during the pendency of the suits, such sale is always subject to the result of the suits. If the petitioner succeeds in the suits, such sale will always fall within *lis pendens*. As there



is no forgery whatsoever involved, the registering authority can not venture into those aspects. It is for the petitioner to work out his remedy in the pending suits.

6. Accordingly, this Writ Petition is dismissed. No costs.

Consequently, connected Miscellaneous Petition is closed.

29.07.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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To

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N.SATHISH KUMAR, J.

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