



WEB COPY

W.P.No.19892 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.19892 of 2024

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...
vs

Petitioner

The District Registrar
Cheyyar, Tiruvannamalai District.

2.The Sub Registrar
Thellar Sub Registrar Office
Tiruvannamalai District.

3.R.Sekar

4.R.Moorthy

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus to direct the first respondent herein to dispose the petitioner representation dated 25.07.2023 seeking to take action for prosecution in accordance with Section 83 of the Registration Act.

For Petitioner : Mr.C.Mageshkumar

For Respondents : Mr.B.Vijay, AGP for R1 & R2



ORDER

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

2. The grievance of the petitioner is that the third respondent/brother of the petitioner had dealt with the property of the petitioner, the allegation in the complaint indicates that the brother was in possession of the property from the year 1983. Meanwhile, he mortgaged some extent of land in favour of the Agri Department of TN Government vide mortgage deed dated 03.01.1991 in Doc.No.3 of 1991 and sold some extent of land to 4th respondent vide sale deed dated 29.11.1996 in Doc.No.956/1996 on the file of Sub Registrar, Thellar. The affidavit and the allegation indicates that the third respondent exercised his rights as the owner of the property and his possession was continuous, when the document was executed in the year 1996. Thereafter, the petitioner made a representation to the respondents 1 & 2 dated 25.07.2023 and intum the second respondent called upon the petitioner for an enquiry on 08.09.2023, wherein the second respondent has not considered the document and title over the property and adjourned the enquiry without mentioning any specific date. Hence, the present petition.



3. Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents 1 and 2 and perused the materials available on record.

4. The law permits that even Ostensible owner can sell the property as per Section 41 of the Transfer of Property Act. Now all these transactions cannot be called for after several decades, that too before the Sub Registrar.

5. I do not find any merits in the writ petition filed by the petitioner, hence, the writ petition is dismissed. No costs.

24.07.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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To

The District Registrar

Cheyar, Tiruvannamalai District.

2. The Sub Registrar

Thellar Sub Registrar Office

Tiruvannamalai District.



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N.SATHISH KUMAR, J.

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