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W.P.No.5930 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25..06..2024

Coram

THE HON'BLE MR JUSTICE N.SATHISH KUMAR

Writ Petition No.5930 of 2023

1.Vijaya

2.Susila

..... Petitioners

-Versus-

1.The Inspector General of Registration,
Office of Inspector General of Registration,
Santhome, Chennai.

2.The District Registrar,
Office of the District Registrar,
Chengi Road, Thindivanam,
Villupuram District.

3.Nithyanantham

..... Respondents

Petition filed under Article 226 of The Constitution of India, praying to issue a Writ of Mandamus directing the respondents to dispose of the representation of the petitioner dated 22.10.2022 requesting to cancel the fraudulent sale deed executed by the 3rd respondent in document Nos. (1) Document No.1910 of 2022, (2) Document No.1911 of 2022, (3) Document No.1912 of 2022, (4) Document No.1913 of 2022, (5) Document No.1914 of 2022, (6) Document No.1915 of 2022, (7) Document No.1916 of 2022 and (8) Document No.1917 dated 16.08.2022 registered at Sub Registrar Office, Vallam, Villupuram District.



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For Petitioner : Mr.G.Ganapathy
For Respondent (s) : Mr.L.S.M.Hasan Fizal,
Addl. Government Pleader
for RR1 and 2
Mr.K.G.Vasudevan for R3

ORDER

This writ petition has been filed seeking a writ in the nature of mandamus directing the respondents to dispose of the representation of the petitioner dated 22.10.2022 requesting to cancel the fraudulent sale deeds executed by the 3rd respondent which were registered as Document Nos.1910, 1911, 1912, 1913, 1914, 1915, 1916 & 1917 of 2022 dated 16.08.2022 registered on the file of the office of Sub Registrar, Vallam, Villupuram District.

2. The petitioners are sisters and the 3rd respondent is their brother. The grievance of the petitioners is that during the pendency of the partition suit filed by them in O.S.No.125 of 2022 on the file of the Additional Subordinate Judge, Tindivanam, Villupuram District, his brother dealt with the ancestral properties in various transactions knowing fully well that he had only right over the undivided share. Hence, the petitioner seeks to cancel those sale deeds.

3. Heard both sides.

4. Merely because some undivided shares in the so-called ancestral properties have been dealt with by the 3rd respondent, that cannot be a ground to



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seek for cancellation of such sale deeds, that too, before the respondents 1 and

2. It is needless to state here that the petitioner is not remediless for redressal of his grievance and it is always open for him to approach the competent civil court so as to avoid all such sale transactions by filing a partition suit. Therefore, no direction as sought by the petitioner could be granted in this writ petition.

In the result, the writ petition is dismissed with the above observations.

No costs.

Index : yes / no
Neutral Citation : yes / no
Speaking / Non Speaking Order
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25..06..2024

To

- 1.The Inspector General of Registration,
Office of Inspector General of Registration,
Santhome, Chennai.
- 2.The District Registrar, Office of the District Registrar,
Chengi Road, Thindivanam, Villupuram District.



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N.SATHISH KUMAR.J.,
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