



W.P(MD)No.2903 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.08.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)No.2903 of 2023

and

W.M.P.(MD)No.5499 of 2023

L.Belgina Mary Stella

... Petitioner

Vs.

1.The District Registrar,
Registration Department,
Tenkasi.

2.The Sub Registrar,
Idaikal Sub Registrar Office,
Tenkasi District.

3.L.Williams Fernades

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 and 2 to consider the objection of the petitioner dated 01.12.2022 within the time to be stipulated by this Court.

For Petitioner : Mr.S.Kumar

For R1 & R2 : Mr.P.Subbaraj,
Special Government Pleader

For R3 : No Appearance



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ORDER

This Writ Petition is filed, seeking a direction to the respondents 1 and 2 to consider the objection of the petitioner dated 01.12.2022 within the time to be stipulated by this Court.

2.It is the case of the petitioner that the petitioner's father had purchased the property in Survey Nos.259/2 and 259/3 to an extent of 17 acre 70 cents through registered sale deeds dated 29.01.1986 and 21.07.1986. He executed a Will dated 04.03.1991 in favour of the petitioner in respect of the property in question. The 3rd respondent, who is the brother of the petitioner, filed a suit in O.S.No.338 of 1999 on the file of the Additional Sub Court, Tenkasi, claiming half share in respect of the property in question. The same was decreed in favour of the 3rd respondent and on appeal in A.S.No.52 of 2014, the Principal District Court, Tirunelveli remanded the matter back to the trial Court. However, the trial Court once again decreed the suit in favour of the 3rd respondent. Against which, the petitioner has filed A.S.No.36 of 2017 on the file of the District Court, Tirunelveli and the same is still pending. Pending the same, based on the preliminary decree, the 3rd respondent is selling the property in question. Therefore, in this regard, the petitioner gave objection



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to the official respondents. Since the same has not been considered so far, the petitioner has filed this Writ Petition.

3.At the outset, this Court is of the view that the very Writ Petition itself is misconceived and there is no bar under the law to deal with the undivided share and there is no rule to conduct any enquiry in this regard by the Registering Authority. Therefore, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

27.08.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

Yuva

To

1.The District Registrar,
Registration Department,
Tenkasi.

2.The Sub Registrar,
Idaikal Sub Registrar Office,
Tenkasi District.



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N.SATHISH KUMAR, J

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