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W.P.(MD)NO.5925 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.03.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.5925 of 2024 AND

W.M.P.(MD)Nos.5585, 5587 & 5590 of 2024

R.Marichamy

... Petitioner

Vs.

1. The Revenue Divisional Officer,
Aruppukottai,
Virudhunagar District.

2. The Tahsildar,
Thiruchuli Taluk Office,
Virudhunagar District.

3. The Sub Registrar,
Perunali Sub Registrar Office,
Perunali – 623 115.

4. Chinnamallakal

5. Ramar

6. Ramalakshmi

7. Raj

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned Notice issued by the 3rd respondent dated 01.03.2024 and quash the same and further direct the 3rd respondent not to register any document in relation to the lands in survey No.168/2A, 168/2C, 168/11 and 168/5B until final order passed in the



pending before 1st and 2nd respondents enquiry with regard to the issuance of legal heir 06.03.2012.

For Petitioner : Mr.K.Prabhu

For R-1 to R-3 : Mr.D.S.Nedunchezhiyan,
Government Advocate.

* * *

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Government Advocate appearing for respondents 1 to 3.

2. Considering the nature of relief to be granted, issuance of notice to the private respondents is dispensed with.

3. The petitioner apprehends that the document presented by the private respondents in respect of the petition mentioned property may be registered by the third respondent. In fact, the third respondent had made the position clear to the petitioner herein. That led to the filing of this writ petition.

4. It is seen that the property belonged to one Muthammal. The said Muthammal had two sons, namely, Sivasamy Naicker and Ramasamy Naicker. The petitioner is the grandson of Sivasamy Naicker and son of Pappu @ Ramasamy Naicker. The private respondents are the



legal heirs of Sivasamy Naicker. The petitioner alleges that there was mutation of patta behind his back and on the strength of the mutated patta, the private respondents are attempted to alienate the property. These are contentious aspects. The petitioner will have to establish the same before the jurisdictional civil Court. The writ Court cannot go into such issues.

5. However, taking into account the overall facts and circumstances of this case, interim protection can be granted to the petitioner herein. The petitioner is permitted to move the jurisdictional civil Court. This has to be done immediately. The jurisdictional civil Court is directed to number the suit if the plaint is otherwise in order. The petitioner is given liberty to file an IA for restraining the registering authority from registering the document. The registering authority can be made as a party in the IA alone and not in the main suit. The jurisdictional civil Court shall dispose of the IA to be filed by the petitioner as expeditiously as possible on merits and in accordance with law. I make it clear that I have not gone into the merits of the matter. The third respondent is directed to defer registration of any document in respect of the petition-mentioned property for a period of four weeks from today. The outcome of this writ petition will not cast any shadow or



aspersion on the contentions of the private respondents herein. This writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

13.03.2024

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

Note : Issue order copy on 14.03.2024.

To:

1. The Revenue Divisional Officer,
Aruppukottai,
Virudhunagar District.
2. The Tahsildar,
Thiruchuli Taluk Office,
Virudhunagar District.
3. The Sub Registrar,
Perunali Sub Registrar Office,
Perunali – 623 115.



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5

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G.R.SWAMINATHAN,J.

PMU

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