



W.P.(MD)No.8846 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 22.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.8846 of 2024

1. Bavapriya

2. Arthi

... Petitioners

Vs

1. The Sub Registrar,
Sattur,
Virudhunagar District.

2. Radha

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the 1st respondent to register and release the sale deed dated 18.03.2024 executed by the petitioners in favour of one Gurusamy.

For Petitioners : Mr. S.Selva Aditya

For Respondents : Mr.C.Satheesh (R1)
Government Advocate

Mr.S.Anand Chandrasekar (R2)



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ORDER

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This Writ Petition has been filed directing the 1st respondent to register and release the sale deed, dated 18.03.2024 executed by the petitioners in favour of one Gurusamy.

2.Heard the learned counsel appearing for the petitioners, learned Government Advocate appearing for the first respondent and the learned counsel appearing for the second respondent. Perused the materials on record.

3.It is the case of the petitioners that the property originally belongs to one Chinnasamy and Periyasamy. In an oral partition, the properties were allotted to the share of Chinnasamy. After the death of Chinnasamy, the property was devolved upon to his only son Genganna. The petitioners are the daughters of said Genganna. He has executed a settlement deed in favour of the petitioner. Now, the petitioners have agreed to sell the property to one Gurusamy and when presented the document for sale, it has been kept pending based on the objection raised by the second respondent, who is the daughter-in-law of said Periyasamy.



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4.The learned counsel for the petitioners further submitted that the second respondent is the wife of Late.Srinivasan, who already gave a complaint under Section 77 of Registration Act, 1908 and later withdrew it. Based on the objection made by the second respondent, the document presented for registration is kept pending by the 1st respondent.

5.At the outset, from the facts narrated, it reveals that the second respondent is claiming right as a legal heir of one Periyasamy, as a co-sharer in the property. When that being the position, merely based on the protest petition filed by the 2nd respondent, the registration cannot be stalled by the 1st respondent. However, the 2nd respondent claims to be co-sharer has to claim share only by way of filing a suit for partition, not by way of protest petition.

6.In view of the above, the first respondent is directed to register the document presented by the petitioners, dated 18.03.2024 within a period of two weeks from the date of receipt of copy of this order.



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7. With the above direction, this writ petition stands dismissed. There shall be no order as to costs.

22.10.2024

NCC : Yes/No
Index : Yes/No
PNM

To
1. The Sub Registrar,
Sattur,
Virudhunagar District.



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N.SATHISH KUMAR, J.

PNM

ORDER IN

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