



W.P.(MD)No.16583 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 19.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.16583 of 2022
and
W.M.P.(MD)No.11994 of 2022

Tmt.Rajeswari

... Petitioner

Vs.

1.The Deputy Inspector General of Registration,
Thanjavur Registration Region,
Thanjavur.

2.The District Registrar,
Pattukottai Registration District,
Pattukottai.

3.The Sub Registrar,
Mathukoor Sub Registrar Office,
Pattukottai Taluk,
Thanjavur District.

4.A.R.Muthuveeru

5.P. Baby

.... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus calling for the records relating to the proceedings in Moo.Mu.No. 2252/E/2021 dated 10.06.2022



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on the file of the 1st respondent herein confirming the orders passed in Pa.Mu. No. 3115/Aa1/A4/2020 dated 13.09.2021 refusing to cancel the document No.1885 of 2019 on the file of the 3rd respondent herein and quash the same and consequently directing the 3rd respondent not to register any sale deed pursuant to the interim order passed in I.A.No. 144 of 2014 in O.S. No. 52 of 2013 dated 21.01.2015 on the file of the Sub Court, Pattukottai.

For Petitioner : Mr.V.Illanchezian
For Respondents : Mr.P.Subbaraj,
Spl. Govt. Pleader for R1to R3
Mr.S.Deenadayalan for R4 & R5

ORDER

This Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the proceedings in Moo.Mu.No. 2252/E/2021 dated 10.06.2022 on the file of the 1st respondent herein confirming the orders passed in Pa.Mu.No.3115/Aa1/A4/2020 dated 13.09.2021 refusing to cancel the document No.1885 of 2019 on the file of the 3rd respondent herein and quash the same and consequently directing the 3rd respondent not to register any sale deed pursuant to the interim order passed in I.A.No.144 of 2014 in O.S. No. 52 of 2013 dated 21.01.2015 on the file of the Sub Court, Pattukottai.



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2. Heard the learned counsel for the petitioner, the learned Additional Government Pleader appearing for the respondents 1 to 3 and the learned counsel appearing for the respondents 4 and 5 and perused the materials available on record.

3. It is the case of the writ petitioner that the respondents 4 and 5 are the brother and sister of the petitioner respectively. The petitioner has filed a suit in O.S.No.52 of 2013 on the file of the Sub Court, Pattukottai against the respondents 4 and 5 for partition of the joint family property of his father. In the said suit, the petitioner has filed an application in I.A.No.114 of 2014 for interim injunction restraining the respondents 4 and 5 not to create any encumbrance or sale any of the properties mentioned in the schedule of property and the Sub Court, Pattukottai granted the interim order. The said order had been entered into the encumbrance certificate in 02/2015 dated 28.01.2015 on the file of the 3rd respondent. However, the 4th respondent had executed a sale deed in favour of one Baby and the same was registered in Document No.1885 of 2019 by the 3rd respondent. The petitioner had filed an appeal before the 2nd respondent against the respondents 4 and 5 and the second respondent by order dated 13.09.2021, rejected the appeal filed by the petitioner. As against the same, the petitioner filed



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an appeal before the first respondent and the first respondent through the impugned order datd 10.06.2022 rejected the appeal and relegated the parties to the civil Court. Challenging the same, the petitioner has filed this Writ Petition.

4. Considering the facts and circumstances of the case, this Court is of the view that as in several decisions, this Court has held that the Registering authority cannot go into the title and also decide the lis between the parties, the parties shall agitate their rights before the civil Court in the pending suit in O.S.No.52 of 2013, on the file of the Sub Court, Pudukkottai and the civil Court will decide the suit on its own merits and in accordance with law.

5. With the above observation, this Writ Petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

19.08.2024

NCC : Yes/No
Index : Yes/No

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N.SATHISH KUMAR, J.

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