



W.P.(MD)No.19713 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **19.08.2024**

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.19713 of 2024
and
W.M.P(MD).No.16698 of 2024

1.A.Murugan
2.Manickam
3.Petchiammal

.. Petitioners

Vs.

1.The Inspector General Registration,
Shanthom High Road,
Chennai.

2.The District Registrar,
Tenkasi District,
Tenkasi.

3.The Sub Registrar,
Tenkasi, Tenkasi District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the first respondent to consider as per the section 82, 83 of the Registration Act, 1908 and to consider the petitioner's representation through in person on 05.06.2023 and registered post dated 08.08.2024.



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For Petitioners : Mr.M.Muniasamy
For Respondents : Mr.M.Siddarthan
Additional Government Pleader

ORDER

This writ petition has been filed seeking for a direction to the first respondent to consider the petitioner's representation through in person on 05.06.2023 and registered post dated 08.08.2024 as per the section 82, 83 of the Registration Act, 1908.

2. Heard Mr.M.Muniasamy, learned counsel appearing for the petitioners and Mr.M.Siddarthan, learned Additional Government Pleader, who accepts notice on behalf of the respondents.

3. By consent of both sides, the writ petition is taken up for final disposal at the admission stage itself.

4. It is the case of the petitioners that the subject property is the petitioners' ancestral property. Without consent of the petitioners and other co-owners, sale deed was registered illegally on 12.07.2006 in



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favour of one A.M.Pradeep, who in turn sold the property to one Mohanakrishnan. According to the petitioners, it is forged instrument and in this regard, they have given representation to the first respondent to cancel the registration in respect of the subject property and take action in this regard. Since the same has not been considered so far, the petitioners have filed this Writ Petition.

5.At the outset, this Court is of the view that such direction sought for by the petitioner cannot be issued by this Court. However, if at all the petitioner has any right over the property in question, the same has to be crystallized only by the civil Court. Mere sending any representation seeking cancellation of the document which has already been registered, cannot be sustained in the eye of law. Even the father as a Kartha is entitled to sell the property for legal necessities.

6.With the above observation, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

19.08.2024

Index : Yes / No
NCC : Yes / No
Rmk



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N.SATHISH KUMAR, J.

Rmk

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