



W.P(MD).No.23118 of 2021

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

**W.P(MD).No.23118 of 2021
and
W.M.P(MD).No.19572 of 2021**

L.Ahammed Basheer

... Petitioner

Vs.,

1.The District Registrar (Administration),
Periyakulam,
Theni District.

2.The Sub-Registrar,
The Sub Registrar Office,
Periyakulam,
Theni District.

3.Rajeshwari

4.S.Ramesh Babu

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records on the file of the first respondent pertaining to its order bearing Na.Ka.No.4539/E2/2020 dated 16.11.2021 and to quash the same and consequently direct the respondents to remove the endorsements made pursuant to the impugned order in the properties.



W.P(MD).No.23118 of 2021

For Petitioner : Mr.S.C.Herold Singh
For Respondents : Mr.M.Siddarthan (for R1 & R2)
Additional Government Pleader
Mr.S.Kadarkarai (for R3)
Mr.M.R.Sreenivasn (For R4)

ORDER

Challenging the impugned order passed by the District Registrar, the present writ petition has been filed.

2. The brief facts of the case is that subject property belongs to one Ramesh Babu and Rajeswary. The patta also stand in their name. They partitioned the said property orally. By virtue of the same, the property of said Ramesh Babu has been executed by way of settlement deed in favour of one Pandiammal. She, in turn, executed the power of attorney in favour of one Muthuvel. He, in turn, executed the sale deed in favour of the petitioner in Doc No.6099/2012. Thereafter, the petitioner is in possession and enjoyment of the property in Survey No.1400/1F. However, the third respondent has given a complaint to the first respondent alleging that she is the absolute owner of the subject property. The fourth respondent has filed a suit in O.S.No.65 of 2009 for declaration of the Will dated 14.06.1991 and also to declare that he is the adopted child of Sivasamy Chettiyar and Rajeshwari. The said suit was dismissed. Now, the matter is



W.P(MD).No.23118 of 2021

pending at the stage of second appeal in S.A(MD).No.209 of 2023 before this Court. When that being so, based on the complaint of the third respondent, the District Registrar has passed an order to the effect that if any document is presented for registration by the fourth respondent or his legal heirs, the same shall not be registered and also given a direction to the registering authority if any document is presented for sale by the third respondent, the same can be registered, if it is otherwise in order. Challenging the said order, the writ petition has been filed.

3. A detailed counter affidavit has been filed, in which, the third respondent stated that she is the absolute owner of the property and the suit filed by the fourth respondent is also dismissed. Accordingly, she is the absolute owner of the subject property and hence, seeks dismissal of this petition.

4. Heard both sides and perused the materials available on record.

5. At the outset, the rights of the parties will be decided only in the second appeal pending before this Court. The District Registration has no power to go into the issue and decide the title.



W.P(MD).No.23118 of 2021

WEB COPY

6. In such view of the matter, the order impugned passed by the District Registrar in Na.Ka.No.4539/E2/2020 dated 16.11.2021 stands quashed and let the parties adjudicate their rights in a second appeal and the parties shall exercise their right on the basis of the right determined in the second appeal. Till the disposal of the second appeal, the parties shall not make any further alienation.

7. With the above observations, the Writ Petition stands allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

14.08.2024

(2/2)

NCC : Yes/No

Index : Yes/No

Rmk

To

1.The District Registrar (Administration),
Periyakulam,
Theni District.

2.The Sub-Registrar,
The Sub Registrar Office,
Periyakulam,
Theni District.



WEB COPY



W.P(MD).No.23118 of 2021

N.SATHISH KUMAR, J.

Rmk

W.P(MD).No.23118 of 2021

14.08.2024

(2/2)