



W.P (MD).No.27504 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.11.2024

CORAM

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P (MD).No.27504 of 2024

K.Alis Anton Devi

...Petitioner

Vs.

1.The District Registrar,
Department of Registration,
Karaikudi,
Sivagangai District.

2.The Sub Registrar,
Sub Registrar Office,
Thirupathur,
Sivagangai District.

3.T.Ashokraj

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the second respondent to consider the petitioner's objection dated 21.07.2024 by giving sufficient opportunity of being heard before registration of any document in respect of the joint family properties in Survey No.32/1 (Part) to an extent of 4 cents, which includes 30 x 40 feet building and Survey No.327/1 (Part) to an extent of 2 cents, which includes 30 x 12 feet building situated at Thirupathur Town, Thirupathur Taluk, Sivagangai District.



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W.P (MD).No.27504 of 2024

For Petitioner : Mr.B.Vinoth Kumar
For R1 & R2 : Mr.S.P.Maharajan
Special Government Pleader

ORDER

This writ petition has been filed for a direction directing the second respondent to consider the representation submitted by the petitioner, dated 21.07.2024 thereby, raised an objection from making any registration in respect of the properties in Survey No.32/1 (Part) to an extent of 4 cents, which includes 30 x 40 feet building and Survey No.327/1 (Part) to an extent of 2 cents, which includes 30 x 12 feet building situated at Thirupathur Town, Thirupathur Taluk, Sivagangai District.

2. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

4. The third respondent is the brother of the petitioner. Already there is a dispute in respect of the subject properties and as such, the petitioner filed a suit in O.S.No.341 of 2017, on the file of the Sub-Court, Sivagangai for



W.P (MD).No.27504 of 2024

partition. Subsequently, the suit was dismissed. Now, the petitioner filed an application to restore the suit along with condone delay application in I.A.No.1 of 2024 in O.S.No.341 of 2017 and it is pending for adjudication. Now, the petitioner's apprehension is that the third respondent is trying to alienate the properties. Admittedly, the petitioner did not obtain any order from the Sub-Court restraining the registering authority from registering any deed in respect of the subject property. Therefore, mere pendency of the suit is not an impediment for the registering authority to register any deed of conveyance in respect of the subject property.

5. In view of the above, the representation of the petitioner cannot be considered and the writ petition is devoid of merits and it is liable to be dismissed.

6. Accordingly, the writ petition is dismissed. No costs. The petitioner is at liberty to approach the Civil Court for appropriate remedy.

Internet : Yes
Index : Yes/No
Speaking/Non Speaking order
am

18.11.2024



W.P (MD).No.27504 of 2024

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To

- 1.The District Registrar,
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- 2.The Sub Registrar,
Sub Registrar Office,
Thirupathur,
Sivagangai District.



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W.P (MD).No.27504 of 2024

G.K.ILANTHIRAIYAN, J.

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W.P (MD).No.27504 of 2024

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