



W.P.(MD)No.28385 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.28385 of 2022
and W.M.P.(MD)No.22418 of 2022

1.Devika
2.R.Ravindran

... Petitioners

Vs.

1.The Deputy General of Registration,
Office of Deputy General of Registration,
Y.Othakadai, Madurai.

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

3.R.Selvaganesh

4.Archana

5.Singalakshmi

6.Parthipan

7.D.Sundari

.... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India,
praying for the issuance of a Writ of Certiorari calling for the records of the 1st



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respondent herein in his proceedings in Na.Ka.No.7338/Aa4/2022, dated 31.10.2022 and quash the same.

For Petitioner : Mr.K.Govindarajan
for Mr.F.Sivachandran

For Respondents : Mr.C.Satheesh,
Govt Advocate for R1 & R2
Mr.R.Murali for R3
No Appearance for R4 to R7

ORDER

This Writ Petition has been filed for issuance of a Writ of Certiorari calling for the records of the 1st respondent herein in his proceedings in Na.Ka.No. 7338/Aa4/2022, dated 31.10.2022 and quash the same.

2. Heard the learned counsel for the petitioner, the learned Government Advocate appearing for the respondents 1 and 2 and the learned counsel appearing for the third respondent and perused the materials available on record.

3. It is the case of the writ petitioner that the subject property was purchased by the 2nd petitioner's father viz., Rengasamy Naidu. The said



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Rengasamy Naidu died leaving behind the 2nd petitioner and the respondents 3 & 5 to 8 along with one Janaki as his legal heirs. The 4th respondent is the daughter of the deceased Janaki. After demise of the said Rengasamy Naidu, the 2nd petitioner is in possession and enjoyment of the said property along with his sisters and brothers. While that being so, the 4th respondent has filed an appeal before the 2nd respondent on 20.09.2021 and after receipt of the same, the 2nd respondent had rejected the said appeal in his order dated 18.07.2022 on the ground that there is no forgery or impersonation and the matter involved in civil nature and directed to work out her remedy before the competent civil Court. The 4th respondent has not filed any appeal against the order of the 2nd respondent. However, the third respondent has filed an appeal before the 1st respondent as against the order of the 2nd respondent. After receipt of the said appeal, the 1st respondent directed the petitioner to appear for enquiry on 26.09.2022. Though the petitioner has made a request to fix another date for enquiry, without considering the said request, the first respondent has passed the impugned order holding that the petitioners were absent during the enquiry and there is no reference about the deceased daughter in the sale deed and hence, the documents were registered by furnishing false information. Challenging the said order, the petitioners have filed this Writ Petition.



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4. The respondents have not filed their counter affidavit.

5. On a perusal of the impugned order, it is seen that on the basis of the complaint given by the co-owner, stating that his shares also dealt by other co-owners, it is directed that since the other co-owners were suppressed while registering the document, an entry in that regard ordered to be made. This Court is of the view that if any such share of the co-owners are dealt with without their knowledge, the same is not binding on the other co-owners and it is for them to file an appropriate suit for partition. Therefore, the impugned order does not require any interference and the Writ Petition is liable to be dismissed.

6. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

27.08.2024

NCC : Yes/No
Index : Yes/No

vsm



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N.SATHISH KUMAR, J.

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