



W.P.(MD)No.29041 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 04.12.2024

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.(MD)No.29041 of 2024

and

W.M.P(MD)No.24607 of 2024

N.Chinnadurai

...Petitioner

-Vs-

1.The District Registrar,
District Registrar Office,
Theni, Theni District.

2.The Sub Registrar,
Chinnamanur Sub Registrar Office,
Chinnamanur, Theni District.

...Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the 2nd respondent not to register the sale deed in the petitioner's property in Town Survey number 24/1, 30/1, Old Survey No.652/1, 645/1 at Block No.3, Chinnamanur Town, Chinnamanur Municipal Village, Uthamapalayam Taluk, Theni District and based on the petitioner representation dated 20.11.2024 and consider by the 2nd respondent before this Court.

For Petitioner

: Mr.H.Velavadhas

For Respondents

: Mr.D.Sadiq Raja
Additional Government Pleader



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ORDER

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This writ petition has been filed for a direction, directing the second respondent not to register any sale deed in respect of the subject property comprised in T.S.No.24/1, 30/1 and old survey No.652/1, 645/1 situated at Block No.3, Chinnamannur Town, Chinnamanur Municipal Village, Uthamapalayam Taluk, Theni District.

2.According to the learned Counsel appearing for the writ petitioner, the property comprised in comprised in T.S.No.24/1, 30/1 and old survey No.652/1, 645/1 situated at Block No.3, Chinnamannur Town, Chinnamanur Municipal Village, Uthamapalayam Taluk, Theni District owned by the petitioner and in respect of the very same property, one Sivakamiammal has filed a suit as against one Sugnatha and others in O.S.No.133 of 1992 on the file of the Sub Court, Madurai.

3.However, the petitioner and his brothers are in possession and enjoyment of the subject property and they have derived the title over the property through Will. They have also issued with Patta. One Manoharan filed a petition to cancel the patta in favour of the petitioner and his brothers to the Revenue Divisional Officer, Uthamapalayam. It was allowed and aggrieved



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over the same, the petitioner has preferred a revision and the same was also dismissed. Subsequently, the petitioner has filed a suit in O.S.No.165 of 2024 on the file of the Sub Court, Uthamapalayam and it is pending in respect of the very same property.

4. Therefore, the petitioner has submitted a representation not to register any documents in respect of the subject property. The petitioner has nowhere stated that who is going to execute the documents in respect of the subject property and whether it was presented or not before the registering authority. Therefore, it is premature and a direction sought for in the writ petition cannot be considered and the writ petition is itself devoid of merits and is liable to be dismissed and accordingly, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is also closed.

04.12.2024

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
RJR



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G.K.ILANTHIRAIYAN. J,

RJR

To

1.The District Registrar,
District Registrar Office,
Theni, Theni District.

2.The Sub Registrar,
Chinnamanur Sub Registrar Office,
Chinnamanur, Theni District.

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