



W.P (MD).No.30667 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.12.2024

CORAM

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

W.P (MD).No.30667 of 2024

P.Siva Sankar

...Petitioner

Vs.

- 1.The Inspector General of Registration,
Santhome High Road,
Chennai.
- 2.The Deputy Inspector General of Registration,
Kanniyakumari Zone and District,
Tirunelveli.
- 3.The District Registrar (Administration),
District Registrar Office,
Kanniyakumari District at Nagercoil.
- 4.The Sub-Registrar Joint-I,
Sub Registrar Joint-I Office,
Kanniyakumari,
Kanniyakumari District.

5.S.Rajeswari

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents 1 to 4 herein not to make any remarks in encumbrance register in respect of the property comprised with land and well includes electricity connections in Old S.No.2253 Re.S.No.



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598/1E to an extent of 24 cents out of 1.24 acres in patta No.2118 in Dharmapuram Village, Agasteeswaram Taluk, Kanniyakumari District on the basis of the judgment and decree dated 16.10.2023 passed in O.S.No.70 of 2013 on the file of the I Additional District Munsif Court, Nagercoil by considering the petitioner's representation dated 21.11.2024.

For Petitioner : Mr.D.Nallathambi
For R1 to R4 : Mr.M.Sarangan
Additional Government Pleader

ORDER

This writ petition has been filed for a direction directing the respondents 1 to 4 to consider the representation submitted by the petitioner seeking not to make any remarks in encumbrance register in respect of the property comprised with land and well includes electricity connections in Old S.No.2253 Re.S.No.598/1E to an extent of 24 cents out of 1.24 acres in patta No.2118 in Dharmapuram Village, Agasteeswaram Taluk, Kanniyakumari District on the basis of the judgment and decree dated 16.10.2023 passed in O.S.No.70 of 2013 on the file of the I Additional District Munsif Court, Nagercoil.

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



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

4. The property comprised in Old S.No.2253 Re.S.No.598/1E to an extent of 24 cents out of 1.24 acres situated at Charmapuram Village, Agasteeswaram Taluk, Kanniyakumari District originally belongs to one Sinthamoni Nadar. The said Sinthamoni Nadar executed a settlement deed dated 06.03.2013 in favour of the petitioner. However, the settlement deed was declared as null and void by the I Additional District Munsif Court, Nagercoil vide judgment and decree dated 16.10.2023. Now, the petitioner submitted a representation to the respondents not to register the judgment and decree if it is produced for registration. If the petitioner really aggrieved by the judgment and decree passed in O.S.No.70 of 2013, though he is not the party to the proceedings, he can very well challenge the same in the manner known to law. He cannot restrain the respondents 1 to 4 from recording the judgment and decree passed by the Civil Court. Therefore, the prayer sought for by the petitioner cannot be considered and hence, the writ petition is devoid of merits and it is liable to be dismissed.



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5. Accordingly, the writ petition is dismissed. No costs.

Internet : Yes

Index : Yes/No

Speaking/Non Speaking order
am

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To

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G.K.ILANTHIRAIYAN, J.

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