



W.P.(MD)No.30089 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.30089 of 2023
& WMP(MD)Nos.25946 & 25947 of 2023

M.Thangammal

... Petitioner

Vs.

1.The District Registrar,
O/o. Collectorate Campus,
Thanthondrimalai,
Karur District.

2.The Sub-Registrar,
Krishnarayapuram Taluk,
Karur District.
Karur.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari to call for the records relating to the proceedings of the second respondent dated 28.08.2023 returning the document presented for registration in respect of S.F.Nos.16/2 A and 16/3A at Sengal Village, Krishnarayapuram Taluk, Karur District made in refusal number RFL/Krishnarayapuram/85/2023 and the quash the same as illegal and consequently directing the 2nd respondent to register the sale deed executed by the petitioner on 28/08/2023 in respect S.F.Nos.16/2 A and 16/3A at Sengal Village, Krishnarayapuram Taluk, Karur District within the stipulated time.



W.P.(MD)No.30089 of 2023

For Petitioner : Mr.N.Shanmuga Selvam
For Respondents : Mr.P.Subbaraj,
Spl. Govt.Pleader.

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Certiorari to call for the records relating to the proceedings of the second respondent dated 28.08.2023 returning the document presented for registration in respect of S.F.Nos.16/2 A and 16/3A at Sengal Village, Krishnarayapuram Taluk, Karur District made in refusal number RFL/Krishnarayapuram/85/2023 and the quash the same as illegal and consequently directing the 2nd respondent to register the sale deed executed by the petitioner on 28/08/2023 in respect S.F.Nos.16/2 A and 16/3A at Sengal Village, Krishnarayapuram Taluk, Karur District within the stipulated time.

2. It is the grievance of the Writ Petitioner that when the petitioner presented a sale deed dated 28.08.2023 for registration, the same was refused to be registered on the ground that the entire property has already been dealt with in favour of the petitioner's sister-in-law by way of settlement deeds executed by the petitioner's brother on 13.07.2009 and 16.12.2009. Challenging the same, the



W.P.(MD)No.30089 of 2023

petitioner has filed this Writ Petition.

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3. It is the case of the petitioner that an extent of 8.89 acres land owned by the parents of the petitioner. The father of the petitioner died on 01.04.1971 and mother of the petitioner died on 20.09.1984. Therefore, according to the petitioner, she is entitled to half share in the said property. When the matter stood thus, her brother taking advantage of the fact that patta stands in his name, transferred the property in the name of his wife by way of settlement deeds dated 13.07.2009 and 16.12.2009. According to the learned counsel for the petitioner, mere transfer of the property by the other co-owner, will not bind the petitioner and therefore, the sale deed presented by the petitioner could be registered.

4. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents and perused the materials available on record.

5. Considering the facts and circumstances of the case, this Court is of the view that when the title of the property has already been dealt with by one of the co-owner in its entirety and there is no title retained either by the petitioner or her brother, the petitioner cannot once again insist the registering authorities to



W.P.(MD)No.30089 of 2023

register the sale deed that too after several years. Though one of the co-owner dealt with the entire property that may not be binding on the petitioner, as far as the share of the property, the remedy of the petitioner lies only before the competent civil Court to claim her share by way of partition. For claiming partition, even it may not be necessary for her to seek setting aside of the documents executed by her brother.

6. With the above observation, has Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

18.10.2024

NCC : Yes/No
Index : Yes/No
vsm



WEB COPY



W.P.(MD)No.30089 of 2023

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W.P.(MD)No.30089 of 2023

N.SATHISH KUMAR, J.

vsm

W.P.(MD)No.30089 of 2023

18.10.2024