



WEB COPY

WMP NO. 9487 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-03-2025

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THE HONOURABLE MS. JUSTICE P.T. ASHA

WMP NO. 9487 of 2025

AND

WP NO. 33307 OF 2024

C.Duraisamy
S/o.Late Chinnasamy Gounder, 8/64 Chettiyarpalayam,
Valliarachal Village, Kangayam Taluk, Tiruppur District.

Petitioner(s)

Vs

Mrs.Mylathal
W/o Late Thirumoorthy, No 91, Jainagar 1st Street, Rajammal
Compound, Rakkiyapalayam Pirivu, Tiruppur District and another

WMP NO. 9487 of 2025

For Petitioner(s):

N.Manokaran
R.Renukadevi
M.Adhishree
K.Megala

For Respondent(s):

ORDER

This Court by order dated 12.11.2024 had allowed the above Writ Petition. The said Writ Petition had been filed by the first respondent herein stating that she is the owner of the property comprised in S.No.325, 331-B, 359 and 362 measuring an extent of 8.13 1/2 acres which was settled on her by her husband. The respondent Sub-Registrar was refusing to register the same. Therefore, the petitioner had approached this Court



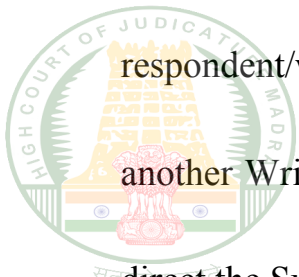
and this Court had allowed the Writ Petition stating that the second respondent is

to register the sale deed and only cases within the exceptions of Section 22 A of the Registration Act, can be refused.

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2.It is now brought to the notice of this Court that the very basis on which the Writ Petitioner had claimed right is absolutely false. The Writ Petitioner had filed O.S.No.144 of 2005 on the file of the District Munsif Court, Kangayam, seeking declaration of her title and for permanent injunction. The suit was dismissed, as also A.S.No.70 of 2017 filed challenging the judgment by the Subordinate Court, Kangayam. Against the concurrent judgement and decree S.A.No.1302 of 2019 was filed by the first respondent which was also dismissed by holding that there is no proof that she was the wife of Duraisamy, the first defendant. The settlement deed based on which the first respondent had entered into the sale agreement with the said Nagaraj was held to be void document and this Court has held that the first plaintiff was estopped from seeking a declaration of a title to the property on the basis of the settlement deed. All these facts have been suppressed and an order snatched from this Court.

3.It also appears that another Writ Petition for the very same relief in respect of the agreement dated 18.10.2024 was once again filed in W.P.No.34059 of 2024 by the first



respondent/writ petitioner and the same was withdrawn on 20.12.2024. Thereafter

another Writ Petition in W.P.No.39721 of 2024 has been filed seeking a mandamus to

direct the Sub Registrar to register a sale agreement dated 23.12.2024. This petition was

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withdrawn on 27.12.2024. After withdrawing the Writ Petition for the very same relief

yet another Writ Petition in W.P.No.8274 of 2025 has been filed to register the sale

agreement dated 23.12.2024 was also the very same agreement that is referred to in the

W.P.No.39721 of 2024.

4.The above conduct of the petitioner clearly shows that fraud has been played with impunity,

that too when the Court is exercising its jurisdiction under Article 226 of the Constitution of

India. The same is abuse of the process of Court. Therefore, the order dated 12.11.2024 in

W.P.No.33307 of 2024 is recalled and the Writ Petition is directed to be listed along with

W.P.No.8274

of

2025.

26-03-2025

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WMP NO. 9487 of 2025



To

1. Mrs.Mylathal

W/o Late Thirumoorthy, No 91, Jainagar 1st Street, Rajammal
Compound, Rakkiyapalayam Pirivu, Tiruppur District

2. The Sub Registrar

Vellakovil Sro, Kpc Nagar, Vellakovil, Tiruppur District

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P.T. ASHA, J.

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