



W.P.No.39190 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.10.2025

CORAM

THE HON'BLE Mr. JUSTICE KRISHNAN RAMASAMY

W.P.No.39190 of 2025

B. Catherin Georgina

... Petitioner

Vs.

1. The Inspector General Of Registration,
O/o. Inspector General Of Registration,
No. 100 Santhome High Road Chennai 04

2. The District Registrar
Office Of District Registrar
Tirupathur District

3. The Sub Registrar
Office Of The Joint Registrar 2,
Tirupathur District

4. Alice Auxilia

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 to 3 to dispose the petitioners protest petition dated 26.08.2025.



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For Petitioner : Mr.Vimal B.Crimson

For Respondent : Mr.Abishek Murthy, GA for R1 to R3

ORDER

This writ petition has been filed to direct the respondents 1 to 3 to dispose the petitioners protest petition dated 26.08.2025.

2. Mr.Abishek Murthy, learned Government Advocate, takes notice on behalf of the respondents 1 to 3.

3. By consent of the parties, the main writ petition is taken up for disposal at the admission stage itself.

4. The learned counsel for the petitioner would submit that in this case, the petitioner's husband had purchased various properties vide 11 different sale deeds during his lifetime. Thereafter, he died leaving 3 legal heirs, viz., petitioner/wife of the deceased and 2 daughters of the deceased, out of which one daughter is hereby arrayed as 4th respondent.



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5. Further, he would submit that after the demise of petitioner's husband, no partition was done till date and the original documents is still under the care and custody of the petitioner. Under these circumstances, the 4th respondent, being one of the legal heirs, had sold one of the properties to her husband and subsequently, her husband had sold the subject property to a 3rd party. Aggrieved over the same, the petitioner herein had filed a protest petition dated 26.08.2025. However, the said protest petition was not at all considered and disposed of by the respondents till date. Hence, this petition.

6. On the other hand, the learned Government Advocate appearing for the respondent would submit that the protest petition was filed by the petitioner without making the payment of necessary fees and hence, the respondents are not in a position to consider the same. Thus, he prays for appropriate orders.



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7. In reply, the learned counsel for the petitioner would submit that the petitioner will pay the necessary fees and hence, requests this Court to direct the respondents to consider the protest petition.

8. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents and also perused the materials available on record.

9. In the case on hand, the petitioner's husband, during his life time, had purchased various properties vide 11 different sale deeds. Thereafter, he died leaving 3 legal heirs, viz., petitioner/wife of the deceased and 2 daughters of the deceased, out of which one daughter is hereby arrayed as 4th respondent. After the demise of petitioner's husband, no partition was done, in respect of the aforesaid properties, till date.



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10. Under these circumstances, it was submitted by the petitioner that the 4th respondent, being one of the legal heirs/daughter of the deceased, had sold one of the properties to her husband and subsequently, her husband had sold the subject property to a 3rd party. Aggrieved over the same, the petitioner herein had filed a protest petition dated 26.08.2025. However, the said protest petition was not at all considered and disposed of by the respondents till date.

11. On the other hand, it was submitted by the respondent that though the protest petition was filed, the necessary fees in respect of the said protest petition was not at all paid by the petitioner till date.

12. First of all, as rightly contended by the respondent, while filing such protest petition, it is mandatory for the petitioner to pay the necessary fees, unless and otherwise, the said protest petition will not be taken into consideration by the official respondents.



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13. Secondly, it appears that the total extent of the subject property is about 6750 sq.ft., out of which, the 4th respondent is entitled for 1/3rd share, i.e., to an extent 2250 sq.ft. The sale deed was executed only with regard to the said extent of 2250 sq.ft. However, according to the petitioner, no partition was done till date. In such case, if the 4th respondent alienated the property as undivided share, i.e., without any boundaries, then there will be no necessity for the official respondents to stop the process of registration. On the other hand, if the 4th respondent alienated beyond her share of property, with boundaries, certainly, a notice will be issued to the petitioner prior to the registration of any deed executed by the 4th respondent, for which, the petitioner has to pay the necessary fees.

14. In view of the above, this Court directs the petitioner to pay the necessary fees to the official respondents forthwith. Upon payment of such fees, the official respondent shall consider the protest petition filed by the petitioner in accordance with law.



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15. With the above directions, this writ petition is disposed of. No cost.

16.10.2025

Speaking/Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

nsa

To

1. The Inspector General Of Registration,
O/o. Inspector General Of Registration,
No. 100 Santhome High Road Chennai 04

2. The District Registrar
Office Of District Registrar
Tirupathur District

3. The Sub Registrar
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KRISHNAN RAMASAMY.J.,

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