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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.02.2025

CORAM

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

W.P.(MD)No.5061 of 2025
and W.M.P(MD).No.3679 of 2025

Pathrakali @ Pathraselvi

... Petitioner

Vs.

1.The District Registrar,
Tenkasi District,
Tenkasi.

2.The Sub Registrar,
Alankulam,
Tenkasi District.

3.Marimuthu
4.Vellaiammal
5.Valliyammal

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pursuant to the impugned order passed by the second respondent in Na.Ka.No.287/2024 dated 22.11.2024 quash the same as illegal and consequentially direct the second respondent not to register any documents or instruments touching upon Survey No.634/3C, 635/1A, 634/3B comprising total of 4.05 acre of punja land at Alangulam Village, Tenkasi District.



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For Petitioner : Mr.S.Chellapandian
For R1 & R2 : Mr.P.T.Thiraviyam
Government Advocate

ORDER

The petitioner seeks for issuance of Writ of Certiorarified Mandamus to quash the proceedings of the second respondent in Na.Ka.No.287/2024 dated 22.11.2024 and to direct the second respondent not to register any document pertaining to S.Nos.634/3C, 635/1A and 634/3B admeasuring 4.05 acres at Alangulam Village, Tenkasi District.

2. One Samuel Nadar was the owner of the property comprised in survey numbers covered by this writ petition. The said Samuel Nadar is the petitioner's father. He passed away on 13.09.2004. He left behind as his legal heirs, his wife, namely, the fourth respondent, the petitioner, two sons and one other daughter. The petitioner states that her mother and her brother, Marimuthu executed a settlement deed on 08.05.2013 and settled the property in favour of her youngest sister Valliyammal.



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2. She states that she came to know about the said transaction only in the year 2022. Therefore, she gave an objection to the second respondent not to accept any documents for registration with respect to the survey number on 30.09.2019, 17.03.2022, 09.01.2023 and 15.11.2024. The second respondent rejected these representations by the impugned order. Hence, the writ petition.

3. Heard Mr.S.Chellapandian for the petitioner and Mr.P.T.Thiraviyam, learned Government Advocate, for the respondents 1 and 2. I have gone through the affidavit and perused the papers.

4. The narration of the facts shows that the property belongs to one Samuel Nadar and now, he is no more. The petitioner claims as the daughter of Samuel Nadar, she has a share in his estate. It is her plea that other legal heirs of Samuel Nadar have *inter se* dealt with the property including the petitioner's right. This led her to file objections before the second respondent. Neither the Registration Act nor the Rules made thereunder empower the Sub-Registrar to deal with right, title or interest of a fractional of the share holder. The Sub-Registrar is not a civil Court to grant a decree for partition or to declare the share that the petitioner is entitled to. Hence, I do not find anything wrong with the impugned order.



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5. The appropriate remedy for the petitioner is to approach the jurisdictional Court and sue for partition. Instead of doing so, she has attempted to get the very same relief through the officers of the second respondent. I am happy to note that atleast one Sub-Registrar in the State, remains within the scope of his powers and does not pass an orders affecting title. The impugned order is upheld leaving it open to the petitioner to approach the jurisdictional civil Court.

6. In the result, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Index :Yes / No
Internet :Yes / No
NCC :Yes / No
Rmk

25.02.2025

To
1.The District Registrar,
Tenkasi District,
Tenkasi.

2.The Sub Registrar,
Alankulam,
Tenkasi District.



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V. LAKSHMINARAYANAN, J.

Rmk

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