

W.P(MD)No.17025 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.06.2025

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.17025 of 2025

and

W.M.P(MD)No. 12926 of 2025

Kamalakaran

... Petitioner

vs.

1. The District Registrar,
Palani,
Dindigul.

2. The Sub-Registrar,
Vadamadurai Sub-Registration Office,
Dindigul District.

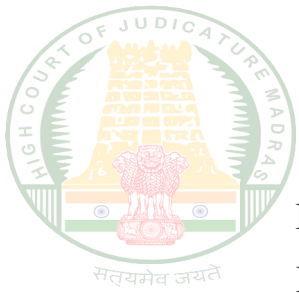
3. Vignesh

4. Velusamy

5. Ammakannu

...Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a *Writ of Mandamus*, restraining the 2nd respondent to release the document vide Document No.387/2025 dated 23.01.2025 based on the order in 4271/E1/2021 dated 28.11.2022 and consequently direct the 1st respondent to remove the entry of encumbrance made regarding same of his office.



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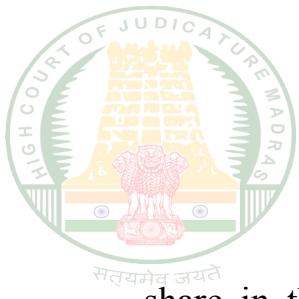
W.P(MD)No.17025 of 2025

For Petitioner : Mr.P.Manikandan
For Respondents : Mr. D.Sasikumar,
Additional Government Pleader, for R-1 and R-2

ORDER

The present Writ Petition has been filed for the issuance of a *Writ of Mandamus*, restraining the 2nd respondent to release the document vide Document No.387/2025 dated 23.01.2025 based on the order dated 28.11.2022 passed by the 1st respondent and consequently direct the 1st respondent to remove the entry of encumbrance.

2. The contention of the petitioner that he is one of the legal heirs, along with respondents 3 to 5. However, respondents 3 to 5 are attempting to sell the property. The petitioner raised an oral objection to respondents 1 and 2 (dated NIL). Considering the same, the 1st respondent passed an order on 28.11.2022, stating that the Registrar should not register any document related to the disputed survey number and should also record the objection in the appropriate register. Based on this order, the petitioner approached the Sub-Registrar, requesting that no document be registered or released. However, in violation of the 1st respondent's order, the 2nd respondent proceeded to register the sale deed. Hence, the petitioner has filed the present writ petition.



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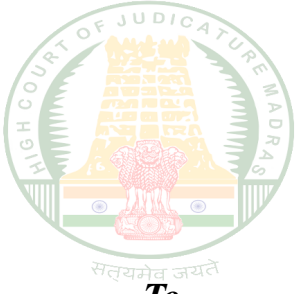
3. The petitioner raised an oral objection in the year 2022, claiming a share in the property. However, the petitioner has neither filed a civil suit to establish his share nor initiated any partition suit to determine the respective rights of the parties. Instead, he has merely raised an objection before the 1st respondent, who does not have the authority to pass any order in this regard. Therefore, this Court cannot entertain the present petition.

4. In order to protect the petitioner's rights, he is directed to approach the appropriate civil court to seek appropriate interim order within a period of two weeks from the date of receipt of a copy of this order. The 2nd respondent is directed to release the document vide Document No. 387/2025, dated 23.01.2025, within a period of four weeks from the date of receipt of a copy of this order. However, the petitioner obtains any interim order, the same shall be binding on all parties and must be duly complied with.

5. With these observations, this writ petition is disposed of. No Costs. Consequently, connected miscellaneous petition is closed.

25.06.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
KSA



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To
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1. The District Registrar,
Palani,
Dindigul.
2. The Sub-Registrar,
Vadamadurai Sub-Registration Office,
Dindigul District.



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S.SRIMATHY, J.

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**ORDER MADE IN
W.P(MD)No.17025 of 2025**

DATED :25.06.2025