

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.09.2015

CORAM:

THE HONOURABLE **MR.JUSTICE M.M.SUNDRESH**

Writ Petition No.9223 of 2015

M/s. Vistara Housing Promoters, Rep. By its Partner,
H.Niyaz, S/o. Late M.Hyder Ali,
764/402, First Floor, Chaturbujadoss Street,
Poonamallee High Road, Kilpauk, Chennai

... Petitioner

Vs

1. The Sub-Registrar, Office of the Sub-Registrar,
Velacherry, Chennai – 600 042

2. J.M.Patricia

3. Angela

... Respondents

(R-2 and R-3 impleaded as per the order of this Court,
dated 19.08.2015, made in M.P.Nos.1 & 2 of 2015
in W.P.No.9223 / 15)

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to quash the impugned order No.1/2015 dated 06.03.2015 issued by the first respondent and to subsequently direct the first respondent to register the sale deed, dated 06.03.2015 in favour of the petitioner.

For Petitioner : Mr. S.Diwakar, AGP., for R-1
For Respondents : M/s. Shabnam Banu, for R-2

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ORDER

Seeking to challenge the order dated 06.03.2015 by which the document presented by the petitioner was not registered on the ground that there was an earlier registration made on the very same property, the present writ petition has been filed.

M.M.SUNDRESH, J.,

srk

2. The learned counsel for the petitioner submitted that since the petitioner's vendors are also impleaded in this writ petition as respondents 2 and 3, there will not be any objection to allow this writ petition and therefore, prays this Court to allow this writ petition.

3. The learned Additional Government Pleader appearing for the first respondent submitted that the earlier document was executed fraudulently against which a suit has been filed which is pending disposal in O.S.No.65 of 2012 on the file of the Principal District Court, Chengalpet. It is further submitted that the defendants therein filed an application to reject the plaint and the same also got dismissed, which was also confirmed by an order of this Court.

4. In view of the above said factual position, this court is not inclined to allow this writ petition, as admittedly the earlier registration done has not been cancelled, which is the subject matter of the suit in O.S.No.65 of 2012. Unless and until the said suit is disposed of, the petitioner cannot have any relief, as equity will not lie in his favour. Thus, this Court, while not interfering with the impugned order at this stage, hereby directs the learned Principal District Judge, Chengalpet, to dispose of the suit in O.S.No.63 of 2012 within a period of six months from the date of receipt of a copy of this order. This writ petition is disposed of accordingly. No costs.

srk

10.09.2015

To

1. The Sub-Registrar, Office of the Sub-Registrar, Velacherry, Chennai – 42

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