

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.8.2015

CORAM

THE HON'BLE MR.JUSTICE M.JAICHANDREN

Writ Petition No.31351 of 2012

C.PONNUSAMY

[PETITIONER]

Vs

1 THE DISTRICT REGISTRAR
OFFICE OF THE DISTRICT REGISTRAR
NAMAKKAL DISTRICT.

2 THE SUB REGISTRAR
SUB REGISTRAR OFFICE
THIRUCHENGODE TALUK
NAMAKKAL DISTRICT.

3 R.CHELLAPPAN
S/O.RAMASWAMY
THOKKAVADI POST
THIRUCHENGODE TALUK
NAMAKKAL DISTRICT.

[RESPONDENTS]

This writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 2nd respondent not to entertain any document showing the S.No.214/2 situated at Agaram Village Thiruchengode Taluk, Namakkal District as pathway on the basis of the petitioner's representation dated 17.11.2012.

For petitioner : Mr.T.Arockia Dass

For respondents : Mr.R.Ravichandran

AGP for R1 and R2

Mr.P.Valliappan for R3

O R D E R

Heard the learned counsels appearing for the parties concerned.

2. The main contention of the learned counsel appearing for the petitioner is that, in spite of the petitioner having obtained a decree, in O.S.No.703 of 1996, on the file of the District Munsif

Court, Tiruchengode, in respect of the survey No.214/1, Agaram village, Tiruchengode Taluk, Namakkal District, the registering authority, namely, the second respondent herein, is attempting to register the property in the name of third parties, by way of various documents. However, the learned counsel appearing for the petitioner is not in a position to show that the second respondent has registered or attempting to register certain documents, as alleged by the petitioner. Even otherwise, it is for the petitioner to pursue the remedies available to him, if any, before the civil forum concerned. Since, the Original Suits, in O.S.No.160 of 2011 and O.S.No.139 of 2011, are said to be pending on the file of the District Munsif Court, Tiruchengode, it would be open to the parties concerned to raise all the grounds available to them in the said suits on the file of the District Munsif Court, Tiruchengode. As such, this Court is not inclined to grant the reliefs, as prayed for by the petitioner, in the present writ petition. Hence, the writ petition stands dismissed, with the above observations. No costs. Connected M.P.No.1 of 2012 is closed.

Sd/-
Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

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To:

1 THE DISTRICT REGISTRAR
OFFICE OF THE DISTRICT REGISTRAR
NAMAKKAL DISTRICT.

2 THE SUB REGISTRAR
SUB REGISTRAR OFFICE
THIRUCHENGODE TALUK
NAMAKKAL DISTRICT.

+1 cc to Mr.T.Arochiadoss, Advocate sr.41350

+1 cc to Mr.P.Valliappan Advocate sr.41649

+1 cc to Government Pleader Highcourt, Madras sr.41585

W.P.No.31351 of 2012

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