



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.09.2015

CORAM:

THE HONOURABLE Mr.JUSTICE R.SUBBIAH

W.P. (MD) No.15887 of 2015

and

M.P. (MD) No.1 of 2015

M.Nepoleon

... Petitioner

Vs.

1.The Sub Registrar,
Manokaran Complex,
Sirumelkudi Road,
Near Mukoottu Road,
Maddukkur,
Pattukottai Taluk,
Thanjavur District.

2.The District Registrar,
No.32, KMSK Chettiar Complex,
Aranthanki Road,
Pattukottai,
Thanjavur District.

3.The Inspector General of Registration,
O/o. Inspector General of Registration,
Chennai.

4.The District Collector,
Thanjavur District.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Cetiorari, calling for the entire records in connection with the document No.924 of 2015 dated 03.08.2015 on the file of the 1st respondent and quash the same.

For Petitioner : Mr.S.Sarabeshwaran

For Respondents : Mr.M.Rajarajan, G.A.

ORDER

This Writ petition has been filed for issuance of a Writ of Cetiorari, calling for the records in connection with the document No.924 of 2015 dated 03.08.2015 on the file of the 1st respondent and quash the same.



2.The case of the petitioner is that the petitioner has filed a suit in O.S.No.18 of 2014 before the Additional District Court, Pattukkottai for partition. Pending the said suit, the property in Survey No.10-1B1, 10 - 1B and 10-1C were settled by way of a settlement to the Commissioner of Panchayath Union Madukkur for the purpose of laying road. Later the said deed was cancelled. Thereafter, a land in Survey No.10-1B1 was sold to one Chokkalingam on 17.02.2014 and another property in Sruvey No.10-1B1, 10-1B2, 10-1C were also sold to one Annamalai.

3.The contention of the petitioner is that the above said properties are from part of the suit properties in O.S.No.18 of 2014 and hence, the act of the Sub Registrar, Moothukurichi, registering the above said properties is against the Registration Act, 1908 and Registration Rules. Hence, he filed the present Writ petition.

4.Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents.

5.A perusal of the entire records clearly show that a civil suit in O.S.No.18 of 2014 before the Additional District Court, Pattukkottai is pending. The petitioner has also filed an application for an interim injunction. However, no interim order was granted.

6.Having failed before the Civil Court for obtaining interim injunction, the petitioner has come forward with the present Writ petition with the aforesaid prayer. But, this Court cannot conduct a roving enquiry with regard to the disputed question of fact. Hence, I do not find any merit in the Writ petition. Accordingly, the Writ petition is dismissed. If the petitioner is having any grievance he is at liberty to approach the Civil Court. No costs. Consequently, connected M.P.is closed.

Sd/-

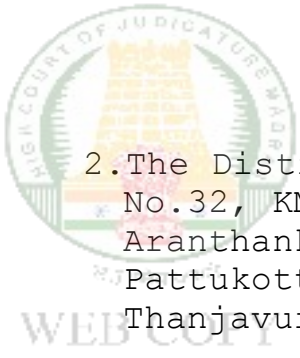
Assistant Registrar (Writ)

/True Copy/

Sub Assistant Registrar

To

1.The Sub Registrar,
Manokaran Complex,
Sirumelkudi Road,
Maddukkur, Pattukottai Taluk,
Thanjavur District.



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+ 1 CC TO MR.S.PARI, ADVOCATE IN SR NO. 51029

NBJ

TE/JGB/ : 29/10/2015 : 3P/6C

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