

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2018

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.5035 of 2018

P.Jayalakshmi
W/o S.Parthiban
Proprietrix,

M/s. Om Muruga Realty Constructions,
No.1-48-D, 3rd Street,
Bharathidasan Colony,
Chennai - 600 078.

.... Petitioner

Vs.

1. The Inspector General of Registration,
No.100, Santhome High Road,
Mylapore,
Chennai - 600 028.

2. The Sub-Registrar,
Sunguvarchatram Sub-Registration Office,
Kancheepuram District.

3. R.Manivannan

... Respondents

Prayer:Writ petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the respondents 1 and 2 to consider the petitioner's representation dated 30.10.2017 and consequently direct the 2nd respondent not to register the sale Deed or any other Deed in respect of the Plots i.e. 173 Plot Nos. 2 to 10 & 12, Plot Nos. 15 to 96, Plot Nos. 99 to 112 , Plot Nos. 121 to 123 & 125, Plot Nos. 127 to 133, Plot Nos 136 to 140, Plot Nos. 142 to 156, Plot Nos. 158 to 161 & Plot Nos. 163 to 170 and Shop Nos. 1 to 3, situated at DNH - Sri Maheswari Avenue, situated at Agaram (Vayalur Group) Village, Tiruvallur Taluk and District in favour of third parties.

For Petitioner : Mr.D.Suresh

For Respondents : Mr.B.Anandan,
Government Advocate for R1 and R2.

O R D E R

The petitioner seeks for a mandamus directing the 1st and 2nd respondents to consider her representation dated 30.10.2017 and consequently direct the 2nd respondent to register the sale deed or any other deeds in respect of plots i.e. 173 Plot Nos. 2 to 10 & 12, Plot Nos. 15 to 96, Plot Nos. 99 to 112 , Plot Nos. 121 to 123 & 125, Plot Nos. 127 to 133, Plot Nos 136 to 140, Plot Nos. 142 to 156, Plot Nos. 158 to 161 & Plot Nos. 163 to 170 and Shop Nos. 1 to 3, situated at DNH - Sri Maheswari Avenue, situated at Agaram (Vayalur Group) Village, Tiruvallur Taluk and District in favour of third parties.

2. Heard the learned counsel for the petitioner.

3. The petitioner claims to be an agreement holder to purchase the subject matter property from the 3rd respondent. According to her, in violation of such agreement, the 3rd respondent is trying to sell the property to some third parties which is to be prevented. Ventilating such objection, the petitioner made the representation before the 1st and 2nd respondents. Now, the said representation is sought to be disposed of by way of filing the present writ petition.

4. Admittedly, the petitioner has already filed a suit in O.S.No.5113 of 2017 on the file of the XVI Assistant City Civil Court, Chennai, seeking for permanent injunction restraining the defendants therein, which includes the 3rd respondent herein, from alienating the plots which are the subject matter in the present writ petition. The said suit is still pending, wherein the petitioner has also sought for interim injunction in I.A.No.13272 of 2017. When the above proceedings are pending before the Civil Court, the petitioner has filed the present writ petition with the relief as stated supra, which in my considered view, is not maintainable, as the petitioner has to agitate the matter only before the Civil Court to establish her rights. Accordingly, I find no grounds to entertain the writ petition. Therefore, this writ petition is dismissed without expressing any view on the merits of the claim made by the petitioner, however, by granting liberty to her to agitate the matter before the Civil Court. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

vsi

To

1. The Inspector General of Registration,
No.100, Santhome High Road,
Mylapore,
Chennai - 600 028.
2. The Sub-Registrar,
Sunguvarchatram Sub-Registration Office,
Kancheepuram District.

+1cc to Mr.D.Suresh, Advocate, S.R.No.17862

+1cc to the Government Pleader, S.R.No.17786

RRK(22/03/2018)

W.P.No.5035 of 2018



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