

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2018
CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.33976 of 2017
and
WMP.Nos.37692 & 37693 of 2017

1. B.Nagamani
W/o.C.Balakrishnan
 2. C.Balakrishnan
S/o.KCS Chinnakani Nadar .. Petitioners
- Vs.
1. The Inspector General of Registration
100, Santhom High Road
Chennai-600 028.
 2. The Sub Registrar
Royapuram, Chennai District.
 3. M/s. Indo International Ltd.,
Rep. by its Director Mr.Umaraomal Lodha
No.16, Sunkurama Street, 1st Floor,
Chennai-600 001.
 4. Ajay Jhaver
S/o.Harigopal Jhaver
 5. G.Ramesh Kumar
S/o.Late Ghisulal .. Respondents

Writ petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the 1st respondent to issue a Circular under Section 69 of the Registration Act, 1908 to prevent the 4th and 5th respondents from registering any document pending litigation in respect of the properties comprised in R.S.No.1024/5 and 1024/5BB measuring a total extent of 3099 sq.ft situated at Tondiarpet Village by considering petitioners representation dated 12.12.2017.

For Petitioners : Mr.S.Vinoth Kumar
For Respondents : Mr.E.Balamurugan
Additional Government Pleader
For R1 & R2

O R D E R

The petitioners, who are said to be the agreement holders from the third respondent herein, having filed a Civil Suit before this Court in CS.No.480 of 2012, seeking for specific performance of the agreement dated 13.06.2011, against the third respondent herein, have also chosen to file the present writ petition before this Court, seeking for mandamus directing the first respondent to issue a Circular under Section 69 of the Registration Act, 1908 to prevent the fourth and fifth respondents from registering any document pending litigation in respect of the subject matter property, based on the representation dated 12.12.2017.

2. Heard the learned counsel appearing for the petitioners.

3. Admittedly, the petitioners claiming to be the agreement holders have not established their rights before the Civil Court where the suit for specific performance is pending as stated supra. In the meantime, it appears that the petitioners are aggrieved against the third respondent as they have sold the property to the fourth respondent, who in turn is going to sell the property to the fifth respondent. When the petitioners have already chosen to file the said suit before this Court and the same is pending against the third respondent, I do not think that the petitioners can maintain the present writ petition parallelly seeking the relief against the registering authority. Therefore, without expressing any view on the claim made by the petitioners, this writ petition is dismissed as not maintainable, however, by granting liberty to the petitioners to agitate the matter before the Civil Court where the matter is pending, by seeking appropriate relief, by impleading necessary parties. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

सत्यमेव जयते
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

mk

To

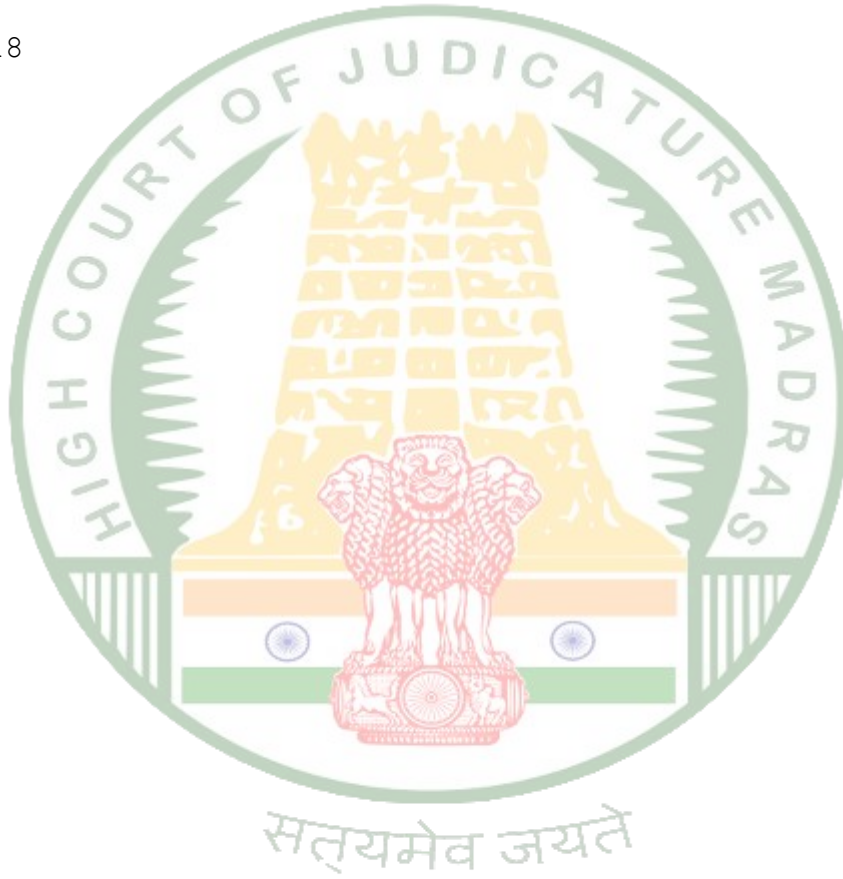
1. The Inspector General of Registration
100, Santhom High Road
Chennai-600 028.

2. The Sub Registrar
Royapuram
Chennai District.

+1cc to Mr.S.Vinoth Kumar, Advocate, S.R.No.1026
+1cc to the Government Pleader, S.R.No.651

W.P.No.33976 of 2017

pvs (co)
cs/25/01/18



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