

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 24.08.2018
CORAM
THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.19163 of 2013
and
M.P.No.1 of 2013

G.Pudhumai

..Petitioner

Vs.

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

2.The Sub Registrar,
O/o.The Sub Registrar,
Gudiyattam Taluk,
Vellore District.

3.Smt.Valli Ammal

4.Thiru.Perumai (Deceased)

5.G.Amaithi

6.G.Anjugam

7.Thiru.G.Jayakodi
Respondents 3 to 7 are residing at
Kallur Village, Sevoor Post,
Gudiyattam Taluk,
Vellore District.

8.G.Ravichandran

9.A.Bharath

(R8 & R9 are impleaded as per order dated
24.08.2018 in M.P.No.2/2013 in
W.P.No.19163 of 2013)

10.Sakunthala

(R10 - Substituted as legal heir of R4
as per order dated 24.08.2018
in W.M.P.No.24216/2018 in
W.P.No.19163/2013)

..Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, call for the records relevant to order in Protest Petition No.16/2013 dated

28.06.2013 passed by the 2nd respondent and the quash the same as illegal, improper, against the rule of law and natural justice and thereby direct 2nd respondent not to register any document presented by the respondents 3 to 7 or any other third parties pertaining to the property in Survey No.245/1D, Pakkam Village, Gudiyattam Taluk, Vellore District to an extent of 2.54 acres and property situated in Door No.100/83/2, Aaliyar Street, Tharanampettai, Gudiyattam Town, Vellore District.

For Petitioner : Mr.A.Rajesh Kanna
For Respondents -1 & 2 : Mr.P.P.Purushothaman, GA
For Respondent 4 : Mr.D.Rajagopal
For Respondents 8 & 9 : Mr.T.Dhanyakumar
For Respondents 3,5 to 7 : No Appearance

O R D E R

The order dated 28.06.2013 issued by the Sub Registrar, Gudiyattam, rejecting the claim of the writ petitioner, not to register the instrument presented by the respondents is under challenge in this writ petition.

2.Admittedly, a Civil Suit in O.S.No.68 of 2013 for partition and permanent injunction is pending before the Principal District Munsif Court, Gudiyattam. An interim order was also granted by the learned District Munsif, not to alienate the property pending disposal of the Civil Suit. In spite of the interim order, the present writ petition is filed.

3.The learned counsel for the petitioner states that even after grant of the interim order, the respondents have made an attempt to alienate the property. Thus, the writ petitioner is constrained to move the present writ petition.

4.The issues arising from and out of the civil disputes can never be construed as a legal right for the purpose of moving the writ petition under Article 226 of the Constitution of India. If the parties have already instituted a Civil Suit before the competent Civil Court of law, then all the issues in relation to the Civil rights, are to be adjudicated by the competent Civil Court and no writ can be entertained in respect of all such disputes regarding the Interlocutory Application and its non implementation or otherwise ought to have been adjudicated before the Civil Court at the time of dealing with the matters. However, such complex facts and circumstances arising from and out of the civil disputes can never be adjudicated in a writ jurisdiction and accordingly, it is left

open to the respective parties to adjudicate all these issues now pending before the competent Civil Court.

5. With these observations, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

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

2. The Sub Registrar,
O/o. The Sub Registrar,
Gudiyattam Taluk,
Vellore District.

+1cc to Mr.T.Dhanyakumar, Advocate SR.NO.58158

+1cc to Government Pleader SR.NO.58376

KJII(CO)

sm:18.9.2018

W.P.No.19163 of 2013

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