



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.01.2018

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASANWP (MD) No.365 of 2018

WEB COPY

M.Karmukil

... Petitioner

Vs.

1.The Joint II Sub Registrar,
Karur,
Karur District.

2.N.S.Ganesan

3.G.Sivakami

... Respondents

Petition filed under Article 226 Constitution of India to issue a Writ of Mandamus directing the first respondent not to register any documents based on execution by the respondents 2 and 3 respondents in respect of the Ayan Punja Land in Survey Nos.432A and 433 to an extent of 3 Acres 80 3/4 Cents situated at Nanniyur Village, Manmangalam Taluk, Joint II Sub Registration, Karur District.

For Petitioner : Mr.N.Satheeshkumar

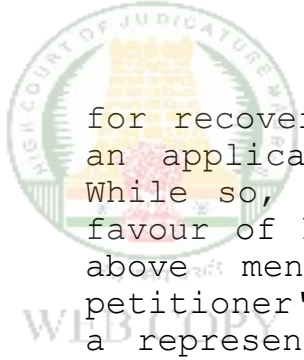
For R1 : Mr.Aayiram K.Selvakumar
Additional Government Pleader

ORDER

The petitioner has filed this writ petition seeking a direction to the first respondent not to register any document, said to have executed by the respondents 2 and 3 in respect of the Ayan Punja Land in Survey Nos.432A and 433 to an extent of 3 Acres 80 3/4 Cents situated at Nanniyar Village, Manmangalam Taluk, Joint II Sub Registration, Karur District.

2.Heard Mr.N.Satheeshkumar learned counsel appearing for the petitioner and Mr.Aayiram K.Selvakumar, Additional Government Pleader, for the first respondent. In view of the order, which is going to be passed here under, no notice to the respondents 2 and 3 is required.

3.According to the petitioner, the second respondent herein has borrowed some amount from the petitioner on executing a pronote and when he failed to pay the amount, the petitioner has filed a suit in O.S.No.53 of 2017 on the file of the District Court, Karur



for recovery of money. In the above suit, the petitioner has filed an application, seeking an order of attachment before judgment. While so, the second respondent has executed a settlement deed in favour of his wife, the third respondent herein, in respect of the above mentioned property with an intention to defeat the petitioner's claim in the said suit. Hence, the petitioner has sent a representation dated 06.09.2017 to the first respondent not to register any document. As the same has not been considered so far, this writ petition has been filed.

4.From a perusal of records, it could be seen that the petitioner has filed the above suit only for recovery of money and so far, no order has been passed by the civil Court and therefore, the settlement deed executed in favour of the third respondent is nothing to do with the suit filed for recovery of money and on that score, the petitioner cannot seek any relief before the first respondent. Hence, this writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (AE)

/True Copy/

Sub-Assistant Registrar

To

The Joint II Sub Registrar,
Karur,
Karur District.

+One cc to Mr.N.Satheeshkumar, Advocate, SR.No.41355

mj

RL/3C/2P/SKN/RSK/SAR1/24/1/2018

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