



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.06.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU
AND
THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

W.A(MD)NO.729 OF 2018
and
C.M.P(MD)No.4251 of 2018
and
W.P(MD)No.18492 of 2014

SRP Rock Exports
A registered Partnership Firm,
represented by its Partner,
Mr.B.Rajapandian,
No.12/51 Maruthu Pandiyar Street,
K.K.Nagar, Madurai - 625 020. :Third Party/Appellant/Petitioner

.vs.

1. N.Lingadurai : Respondent/Petitioner
2. The Inspector General of Registration,
Santhome,
Chennai.
3. The District Registrar,
Tirunelveli District,
Tirunelveli.
4. The Sub-Registrar,
Valliyoor,
Tirunelveli District. : Respondents 2-4 /Respondents 1-3

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent praying this Court to set aside the order passed by this Court in W.P(MD)No.18492 of 2014, dated 17.11.2014.

Prayer in WP(MD). 18492/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 3rd respondent to release the document No. P20101400042 dated 01.09.2014 registered in Sub Registrar, Valliyoor, 3rd respondent herein in respect of the petitioner's



property in Ayan Punja Survey NO. 825/2, Kannanallur Village, Radhapuram Taluk, Tirunelveli District within a time stipulated by this Honourable Court.

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For Appellant : M/s.V.Janakiramulu

For Respondent-1 : Mr.V.Sasikumar

For Respondents : Mr.C.M.Mari Chelliah Prabu
2 to 4 Addl.Govt.Pleader

JUDGEMENT

[Judgement of the Court was made by **K.RAVICHANDRABAABU, J.**]

This Writ Appeal is directed against the order made in W.P. (MD)No.18492 of 2014, dated 17.11.2014, in issuing a mandamus to the Registration Department Officials for releasing the subject-matter document.

2.The appellant is not a party in the Writ Petition and thus after obtaining leave, they have chosen to file the present Writ Appeal, mainly by contending that the Writ Petitioner is not having any title or right over the subject-matter property and thus, the order of the learned Single Judge passed in the Writ Petition is liable to be set aside.

3.We heard the learned counsel for the appellant and perused the materials placed before us.

4.We are not inclined to interfere with the order of the learned Single Judge for two reasons. Firstly, the very contention of the appellant before us would undoubtedly disclose that they raise a title dispute over the subject-matter property and therefore, such title dispute has to be raised and agitated only before the competent Civil Court by way of filing appropriate Civil Suit against the parties concerned. Needless to say that, merely because a direction is issued to the Registration Department to release the document to the Writ Petitioner, that would not mean that the appellant herein is prevented from challenging the right and title of the Writ Petitioner over the subject-matter property by way of filing appropriate Civil Suit. Secondly, the order in the Writ Petition was made as early as on 17.11.2014 and thus by this time, the order would have been worked out by the parties to the Writ Petition. Thus on the above reasons, we are not inclined to entertain the Writ Appeal, however, we will not express any view on the merits and contentions raised by the appellant over the subject-matter property, as it



is for them to agitate such rights before the competent Civil Forum, as stated supra.

5.The Writ Appeal thus stands dismissed. No costs. Consequently, connected Civil Miscellaneous Petition is dismissed.

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Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The Inspector General of Registration,
Santhome, Chennai.
2. The District Registrar,
Tirunelveli District,
Tirunelveli.
3. The Sub-Registrar,
Valliyoor,
Tirunelveli District.

+ 1 cc TO M/s.V.Janakiramulu , Advocate in SR No. 68071

vsn

AE/JC/SAR1/19.06.2018/3P/5C

JUDGEMENT MADE IN

W.A (MD) NO.729 OF 2018

and

C.M.P (MD) No.4251 of 2018

11.06.2018