



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED : 18.06.2018  
CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

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W.P(MD)No.12835 of 2018  
and  
WMP(MD).No.11706 of 2018

Athirstalakshmi

... Petitioner

Vs.

1.The District Registrar (Admin.),  
Tirunelveli District,  
Palayamkottai,  
Tirunelveli.

2.The Sub Registrar,  
Srivaikundam,  
Thoothukudi District.

3.M.Maheswaran

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for issuance of a writ of Certiorarified Mandamus to call for the entire records pertaining to the impugned notice order in Na.Ka.No.763/A3/2018, dated 16.05.2018 issued by the first respondent and quash the same as illegal and consequently, direct the first respondent to pass orders directing the third respondent to approach the civil Court.

|                 |                          |
|-----------------|--------------------------|
| For Petitioner  | : Mr.P.M.Vishnuvarthanan |
| For Respondents | : Mr.M.Murugan           |
| 1 & 2           | Government Advocate      |

ORDER

Mr.M.Murugan, learned Government Advocate takes notice for the respondents 1 and 2.

2. By consent, the writ petition is taken up for disposal.

3. The petitioner is one of the purchasers of a plot from the third respondent. There is a civil suit pending between the brothers and purchasers of the properties. The suit is for partitioning the property and to declare the sale deed executed in favour of the petitioner as null and void. The third respondent filed a complaint before the first respondent for taking action. Pursuant to the complaint received by the first respondent, a show cause notice was issued to the petitioner calling for explanation. Based on the explanation submitted by the petitioner on 27.04.2018, the first



respondent called upon her to appear for personal enquiry on 18.06.2018 at 03.00 p.m. Challenging the said notice, the petitioner is before this Court.

4. The learned Government Advocate appearing for the respondents 1 and 2, on instructions, contended that it is only a formal enquiry and the objections of the petitioner will be considered and appropriate orders will be passed in compliance of the personal hearing as directed by this Court.

5. I have considered the rival contentions.

6. From the perusal of the records, it is seen that a civil suit in O.S.No.23 of 2018 is pending on the file of the District Munsif Court, Srivaikundam, between the parties. The suit is for partition and for declaration of the sale deeds as null and void. While the matter is seized of by the competent civil Court, the respondents 1 and 2 cannot decide on the title in the nature of transfer, which is subject matter of trial.

7. The learned Counsel for the petitioner would also submit that the plaintiff in the suit filed a petition for injunction, restraining them from alienating the property.

8. Considering the rival submissions and since the matter is seized of by the civil Court, the parties have to approach the civil Court for appropriate remedy. The first respondent will not have a say in this matter and therefore, the impugned notice issued by the first respondent in Na.Ka.No.763/A3/2018, dated 16.05.2018, stands quashed and the parties are directed to approach the civil Court for their remedy in accordance with law.

9. With the above observations, this writ petition is disposed of. No costs. Consequently, the connected writ miscellaneous petition is closed.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1.The District Registrar (Admin.),  
Tirunelveli District,  
Palayamkottai,  
Tirunelveli.

2.The Sub Registrar,  
Srivaikundam,  
Thoothukudi District.



+1cc to M/S.P.M.Vishnuvarthanan, Advocate SR.No.68998  
+1cc to Special Government Pleader, SR.No. 68645

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18.06.2018

rsb

JM/JC/SAR 1/22.06.2018/3P/5C