



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

AND

THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

W.A(MD)NO.874 OF 2018

and

C.M.P(MD)No.5459 of 2018

1.R.Shyam Sai Sundar
2.R.R.Sathianarayanan
3.R.R.Ganesh Rajkumar
4.S.K.V.Rajendran
5.A.Vairavan

: Appellants/Third Parties

vs.

1.S.C.Balakrishnan

: Ist Respondent/Petitioner

2. The Sub-Registrar,
Office of the Sub-Registrar,
Registration Department,
Theni.

3. The District Registrar,
Registration Department,
Periyakulam,
Theni.

: Respondents 2 and 3 /
Respondents 1 and 2

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.15094 of 2012, dated 02.01.2013.

Prayer in WP(MD).15094/ 2012 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari Mandamus, calling for the records of the 2nd Respondent relating to his order passed on 16.04.2012 in his proceedings No.1393/aa1/2012 quash the same and direct the 1st Respondent to register the sale deed dated 29.03.2012, produced on 30.03.2012.

For Appellant
For Respondent-1
For Respondents

: M/s.M.P.Senthil
: Mr.M.C.Swamy
: Mr.VR.Shanmuganathan
Special Govt.Pleader

**JUDGEMENT**

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

The appellants herein as third parties to the Writ Proceedings, has filed the present Writ Appeal after obtaining leave from this Court.

2.The first respondent/Writ Petitioner challenged the proceedings of the third respondent, dated 16.04.2012 and for a direction to the second respondent to register the sale deed, dated 29.03.2012. The Writ Court by order, dated 02.01.2013, disposed of the Writ Petition by directing the District Registrar/the third respondent herein to receive the document and to pass appropriate orders within a period of two weeks. Though the present Writ Appeal is filed by the appellants by claiming that they are the necessary parties in the Writ Proceedings and that the order passed by the Writ Court affected their interest, the subsequent development that had taken place, as informed by the learned counsel for the appellant and admitted by the learned Special Government Pleader appearing for the official respondents, would show that nothing survives in this Writ Appeal to be considered further, since the District Registrar namely, the third respondent herein, in compliance of the order passed by the Writ Court, dated 02.01.2013, has passed an order on 10.06.2013, thereby, returning the sale deed to the Writ Petitioner. When such being the subsequent development, We do not think anything survives in this Writ Appeal to be adjudicated upon further, as the cause of action for filing the Writ Appeal has become infructuous, in view of the above said change of circumstances.

3.Accordingly, the Writ Appeal is dismissed as infructuous. No costs. Consequently, connected Civil Miscellaneous Petition is dismissed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The Sub-Registrar,
Office of the Sub-Registrar,
Registration Department,
Theni.

2. The District Registrar,
Registration Department,

<https://hcservices.ecourts.gov.in/hcservices/>

Theni.



+1cc to M/s.M.P.Senthil, Advocate SR.No.71019
+1cc to Mr.M.C.Swamy, Advocate SR.No.70799
+1cc to SPECIAL GOVERNMENT PLEADER, SR.No.71063

Vsn

MK/PN/SAR 1/13.07.2018/3P/6C

JUDGMENT MADE IN
W.A (MD) NO.874 OF 2018
and
C.M.P (MD) No.5459 of 2018
03.07.2018