



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.09.2018

CORAM

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P. [MD]No.1208 of 2017

and

W.M.P[MD]Nos.1024 of 2017 and 10751 of 2018

Maheswari

: Petitioner

Vs.

1. The Sub Registrar,
Sub Registrar Office,
Orathanadu,
Thanjavur District.

2. Gunasekaran

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, forbearing the first respondent from registering any documents based on the power of attorney executed to the second respondent by the petitioner and one Thamaraikanni dated 24.06.2016.

For Petitioner : Mr.T.A.Ebenezer

For Respondent No.1 : Mr.M.Murugan
Government Advocate

For Respondent No.2 : Mr.K.Selvakumarasamy

O R D E R

The prayer in the writ petition is to issue a direction forbearing the first respondent from registering any document based on the power of attorney executed to the second respondent by the petitioner on 24.06.2016.

2.When the writ petition was admitted on 25.01.2017, this Court has passed an order to maintain *status quo* as on that date.

3.When the matter is taken up for hearing today, counter affidavit has been filed in respect of both first and second respondents in which it is revealed in categorical terms that already the registration was over on 26.12.2016 itself in document No.25 of 2016, on the basis of the power of attorney executed by



the petitioner. However, without disclosing the said fact, the petitioner appears to have obtained an order of *status quo* from this Court.

4. In fact, learned Counsel for the second respondent would submit that had the petitioner disclosed the fact that the registration had already taken place on 26.12.2016, this Court would not have granted *status quo* because such direction to maintain *status quo* in view of the registration already taken place would have no meaning in legal context.

5. In any event, when the matter is taken up today, it is disclosed in clear terms both by the first respondent as well as the second respondent that the registration had taken place on 26.12.2016 itself much before the interim order granted by this Court on 25.01.2017. The learned Counsel appearing for the respondents would further submit that the document which was registered had not been released in view of the *status quo* order passed by this Court on 25.01.2017.

6. Since the writ petition itself cannot be maintained in view of the above fact as disclosed, there is no impediment on the part of the first respondent in releasing the document to the second respondent.

7. For the above said reasons, this Court finds that the issue as projected in the writ petition does not survive for any further consideration. Therefore, the writ petition is dismissed.

8. It is made clear that the dismissal of the writ petition cannot be held against the petitioner, in case he wants to work out his remedies in the manner known to law before any competent forum with regard to his dispute with the second respondent. It is also made clear that the first respondent shall forthwith release the registered document in view of the dismissal of this writ petition as expeditiously as possible and not later than two weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar(CS-I)

To

The Sub Registrar,
Services Registry and Case Office,
Orathanadu,
Thanjavur District.



+1cc to Mr.K.Selvakumarasamy, Advocate Sr.No.83128
+1cc to Mr.T.A.Ebenezer, Advocate Sr.No.83242
+1cc to Spl.Government Pleader Sr.No.83344

MR
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VB/RSK/SAR1/12.09.2018/3P/5C

ORDER MADE IN
W.P. [MD] No.1208 of 2017
07.09.2018