



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.07.2018

CORAM:

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

W.A.(MD).No.249 of 2013

and

M.P.(MD).No.3 of 2013

Arulmigu Sree Thoothathiri Natharswami Kovil,
represented by its Fit Person,
Pattarpuram,
Nanguneri,
Tirunelveli District.

... Appellant

Vs.

1. CMI Province,
Nirmalgiri Ashram,
Mukkadavu,
Punalur,
Thiruvananthapuram District,
Keral State represented by
Rev. Fr.Sebastian,
through its Power Agent,
A.K.R.Magudesan.
2. The Sub Registrar,
Nanguneri Sub Registrar Office,
Nanguneri,
Tirunelveli District.

... Respondents

Prayer: The Writ Appeal is filed under Clause 15 of Letters Patent against the order passed by this Court in W.P.(MD).No.1016 of 2013, dated 23.01.2013.

Prayer in WP(MD). 1016/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to register and release four sale deeds dated 15.10.2012 executed by the petitioner as a power agent which is pending documents No. 48,49,50,51 of 2012 pending on the file of the respondent within the time stipulated by this Honourable Court and pass such other further orders.



For Appellant : Mr.S.Anwar Sameem
For R2 : Mr.M.Murugan
Government Advocate
For R1 : No appearance

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J U D G M E N T

(Judgment of the Court was delivered by K.RAVICHANDRABAABU,J.)

This Writ Appeal is filed by a third party to the writ proceedings after obtaining leave, against the order passed in W.P. (MD).No.1016 of 2013, dated 23.01.2013.

2. The first respondent herein as the writ petitioner sought for a Mandamus directing the second respondent herein to register and release four sale deeds dated 15.10.2012, executed by the writ petitioner as a power agent which was kept as pending document Nos.48,49,50 and 51 of 2012. The learned Single Judge after hearing the writ petitioner as well as the second respondent herein, who was arrayed as sole respondent therein, disposed the writ petition by observing that the second respondent herein cannot keep the document for a long time without registering the same. Hence, the writ Court issued a direction to the registering authority to either reject or register the document by conducting proper enquiry and by following due process of law as per the Registration Act. When such order was made as early as on 23.01.2013, and though this writ appeal was filed on 07.02.2013, we find no interim order granted in this writ appeal in favour of the appellant. After a period of nearly 5 years, now the writ appeal is listed before us for disposal.

3. When the matter was taken up on 05.07.2018, the learned Government Advocate took time to verify as to whether the order passed by the writ Court has been worked out or not. Accordingly, the matter is listed today for further hearing.

4. The learned Government Advocate based on instruction submitted that those subject matter documents were already registered and released to the writ petitioner. Mrs.P.Kandhimathi, the Sub Registrar (in-charge), Nanguneri Sub Registrar Office, Tirunelveli District is also personally present before this Court to instruct the Government Advocate as indicated above.

5. Considering the above stated facts and circumstances and considering the very fact that those documents are already released in compliance of the order passed by the writ Court, nothing survives in this writ appeal to be adjudicated further on merits. However, all the contentions raised by the appellant on merits of the title to the property is left open to be raised and agitated



before the appropriate forum in the manner known to law. Accordingly, the Writ Appeal is dismissed as infructuous. No costs. Consequently, connected Miscellaneous Petition is closed.

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Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

The Sub Registrar,
Nanguneri Sub Registrar Office,
Nanguneri,
Tirunelveli District.

+1 CC to Mr.T.ANTONY ARULRAJ, Advocate in SR.No.71650

+1 CC to the Special Government Pleader, in SR.No.71677

AKV

RJ/SKN/RSK/SAR-2/18/07/2018 - 3P/4C

W.A. (MD) .No.249 of 2013

and

M.P. (MD) .No.3 of 2013

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