

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:14.10.2019

Coram:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Writ Petition No.26541 of 2019

P.Vasudevan

.. Petitioner

/versus/

1.The Inspector General of Registration,
No.100, Santhome High Road,
mandavelipakkam, Raja Annamalaipuram,
Chennai 600 028.

2.The District Registrar (Administration),
Arakkonam District Registration Office,
Arakkonam, Vellore District.

3.The Sub Registrar,
Sholingur Sub Registrar Office,
Sholingur.

4.Mrs.T.Geetha
5.Mrs.T.Mahalakshmi
6.Mr.T.Sukumaran
7.Mr.T.Saravanan
8.Mr.A.L.Nathan

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing respondents 1 and 2 to consider the petitioner's representation dated 24.06.2019 wherein the petitioner had requested the respondents 1 and 2 to take appropriate action against the 3rd respondent by directing the 3rd respondent to cancel the registration of the Sale Deed bearing No.1215/2019, dated 10/05/2019 executed by the respondents 4 to 7 herein to and in favour of the 8th respondent herein and further to delete the entry of Sale Deed bearing Document No.1215/2019, dated 10/05/2019 from Book-1 maintained in its office.

For Petitioner :Mr.A.Rajendra Kumar

For Respondents :Mr.T.M.Pappiah, Spl.G.P.
For R1 to R3

O R D E R

The prayer in the writ petition is to issue a Writ of Mandamus directing respondents 1 and 2 to consider the petitioner's representation dated 24.06.2019 wherein the petitioner had requested respondents 1 and 2 to take appropriate action against the 3rd respondent by directing the 3rd respondent to cancel the registration of the Sale Deed bearing No.1215/2019, dated 10/05/2019 executed by respondents 4 to 7 herein to and in favour of the 8th respondent herein and further to delete the entry of Sale Deed bearing Document No.1215/2019, dated 10/05/2019 from Book-1 maintained in its office.

2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for respondents 1 to 3.

3. The grievance of the petitioner is that he and his partner purchased immovable properties from one Venkatesan in the name of the Partnership Firm viz. Sree Iyyappa Stone Crusher (White Stone) and sale deed was duly registered on 12.07.1979. Due to difference of opinion, the petitioner had retired from the Partnership Firm. Whereas, a suit for partition is filed and pending before the District Munsif Court, Sholingur in O.S.No.108 of 2015. While so, it is alleged that pending suit the legal heirs of his partner had illegally and fraudulently sold the entire property of the Firm including his share in favour of one A.L.Nathan by way of a registered sale deed dated 10.05.2019. Hence, the present writ petition is filed to issue Mandamus to direct the 3rd respondent to cancel the registration of the sale deed, which was executed by respondents 4 to 7 in favour of the 8th respondent.

4. The very reading of the affidavit reveals that the partition suit in O.S.No.108 of 2015 is pending and the said property is the subject matter of the suit. If any transaction in the property, which is the subject matter of the suit takes place, it falls under *lis pendens* and the remedy to the petitioner is to approach the civil Court, where the suit is pending and to agitate his right. By way of writ petition no relief can be granted. Hence, this Writ Petition is dismissed with liberty to the petitioner herein to agitate his right before the Civil Court. No costs.

Sd/-

Assistant Registrar (CJ Conf)

//True Copy//

Sub Assistant Registrar

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To:

The Inspector General of Registration,
No.100, Santhome High Road,
mandavelipakkam,
Raja Annamalaipuram,
Chennai 600 028.

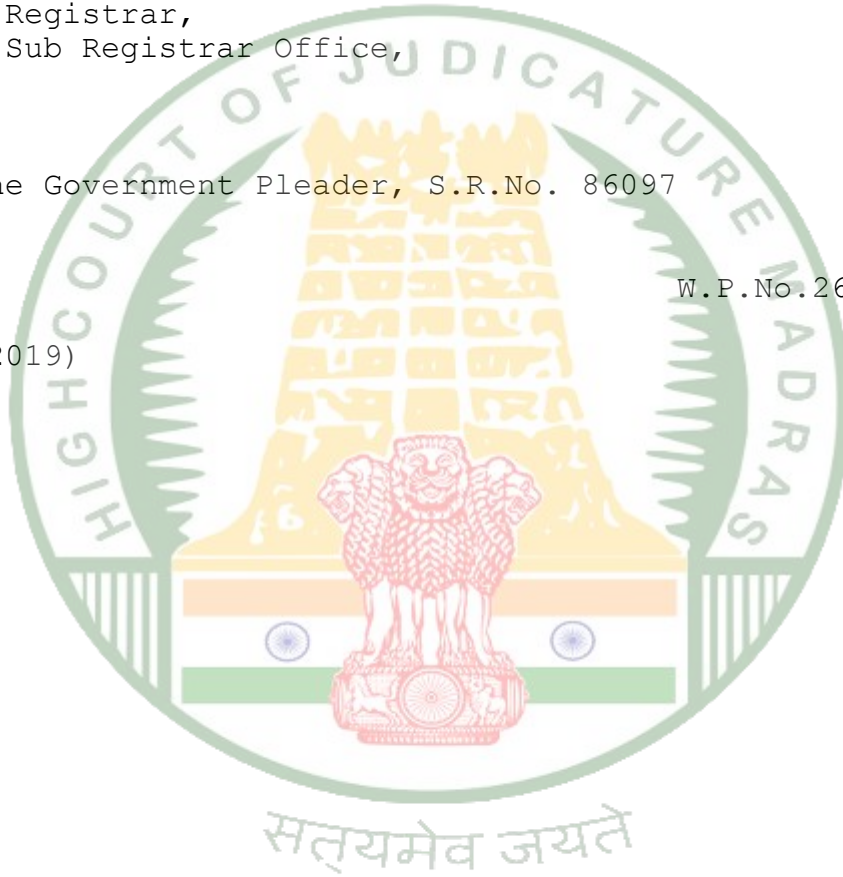
2.The District Registrar (Administration),
Arakkonam District Registration Office,
Arakkonam, Vellore District.

3.The Sub Registrar,
Sholingur Sub Registrar Office,
Sholingur.

+1cc to the Government Pleader, S.R.No. 86097

W.P.No.26541 of 2019

BS (CO)
GN(05/11/2019)



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