



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **24.06.2019**

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

WEB COPY

W.P.(MD)No.14080 of 2019

K.Padmanaban rep. by his
Power of Attorney
K.Muthukinglinathan

... Petitioner

-Vs-

1. The Inspector General of Registration,
No.100 Santhome High Road,
Mullima Nagar,
Manthavelipakkam,
Raja Annamalaipuram,
Chennai - 600 028.

2. The Sub Registrar,
O/o.Sub Registrar,
Devakottai,
Sivagangai District.

3. S.Maragatham

4. Kanagadurga

5. Rajaguru

6. Muthulakshmi

... Respondents

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a writ of Mandamus, forbearing the 2nd respondent herein to register the sale deed in respect of the vacant house site having Town Survey Ward "D" Block No.4, Town Survey No.1 to an extent of 0.4901.0 sq. ft. and the house site in Town Survey Ward "D" block N.4, Town Survey No.2 to an extent of 0.1576.0 sq. ft. situated at Devakottai Town, Sivagangai District, by the respondents 3 to 6.

For Petitioner : Mr.G.Solairaja

For R1 & 2 : Mr.C.M.Mari Chelliah Prabhu

ORDER

The prayer in this writ petition is for a Writ of Mandamus, forbearing the 2nd respondent herein to register the sale deed in respect of the vacant house site having Town Survey Ward "D" Block No.4, Town Survey No.1 to an extent of 0.4901.0 sq. ft. and the house site in Town Survey Ward "D" block N.4, Town Survey No.2 to



an extent of 0.1576.0 sq. ft. situated at Devakottai Town, Sivagangai District, by the respondents 3 to 6.

2. Heard Mr.G.Solai Raja, learned counsel appearing for the petitioner and Mr.C.M.Mari Chelliah Prabhu, learned Additional Government Pleader appearing for the respondents 1 and 2.

3.The learned counsel appearing for the petitioner would submit that, the petitioner has entered into a sale agreement with the respondents 3 and 4, who, according to the petitioner, are the owners of the property covered in this writ petition. Since the private respondents did not come to honour the agreement by executing a sale deed as agreed by them, the petitioner already approached the civil Court and filed a civil Suit for specific performance, where, the learned counsel appearing for the petitioner submits that, the petitioner, being the plaintiff has also sought for interim prohibitory order restraining the respondents 3 and 4, who are the defendants therein from alienating or encumbering the subject property and the said application is still pending before the Civil Court. Only in that circumstances, the present writ petition has been filed with the aforesaid prayer.

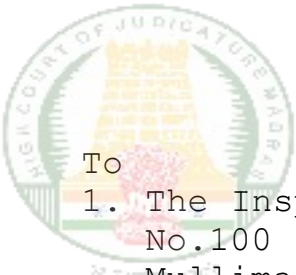
4.Since the issue raised herein rightly has to be decided only by the Civil Court, where, the petitioner already approached and appropriate application, seeking prohibitory order against the private respondents, is pending, it is for the petitioner to pursue the said application and to get remedy therein. Merely because, as the application for prohibitory order is pending before the Civil Court, the petitioner cannot invoke the jurisdiction under Article 226 of the Constitution of India converting the jurisdiction of this Court under Article 226 of Constitution of India, to decide the interim injunction application pending in the suit for specific performance in the Civil Court, which is absolutely unjustifiable and this Court cannot entertain such kind of writ petition exercising the writ jurisdiction.

5.In that view of the matter, this Court is of the view that the writ petition cannot be entertained and therefore, it deserved to be dismissed. Accordingly, this writ petition is dismissed. No costs.

Sd/-

Assistant Registrar

// True Copy //



To

1. The Inspector General of Registration,
No.100 Santhome High Road,
Mullima Nagar,
Manthavelipakkam,
Raja Annamalaipuram,
Chennai - 600 028.

2. The Sub Registrar,
O/o.Sub Registrar,
Devakottai,
Sivagangai District.

+ 1 CC to The Special Government Pleader SR.No.71511

Order made in
W.P. (MD) No.14080 of 2019

Dated: **24.06.2019**

KS (02.07.2019) 3 P 4 C