



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 31.10.2019
CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P(MD)No.22957 of 2019
and
W.M.P(MD)No.19703 of 2019

K.Chandrasekar ... Petitioner
vs.

1. The Sub-Registrar,
Theppakulam Sub-Registrar Office
at Rajakambeeram,
Madurai.

2. M.Suresh Kumar ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, forbearing the first respondent from registering any document in respect of the property in S.No.20/2B1C in respect of plot Nos.1, 2, 3, 4, 7B and 9 of "Joshniya Garden" situate at Kalikappan I Bit Village, Madurai East Taluk by considering the representation of the petitioner dated 06.08.2019.

For Petitioner : Mr.J.Anandkumar
For R - 1 : Mr.V.Anand,
Government Advocate.

ORDER

Mr.J.Anand Kumar, learned counsel on record for writ petitioner is before this Court.

2. Mr.V.Anand, learned Government Advocate accepts notice on behalf of first respondent (official respondent).

3. To be noted, second respondent is a private respondent. In the hearing, learned counsel for writ petitioner restricts the prayer to disposal of representation. From the abridged prayer it comes to light that an order, which is not adverse to second respondent (private respondent) can be passed, after making sufficient and adequate safe-guards in this regard.

4. With consent of learned counsel on record for writ petitioner and learned Government Advocate, who accepts notice on



behalf of first respondent (official respondent), main writ petition is taken up, heard out and is being disposed of.

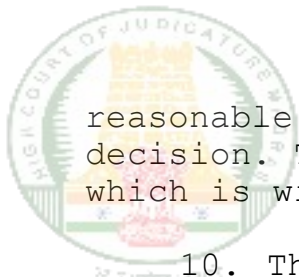
5. The main writ petition turns on a very narrow compass, as it is one seeking mandamus qua disposal of writ petitioner's representation given to the first respondent on 06.08.2019 vide Receipt No.4408/2019 wherein writ petitioner has requested not to entertain any documents for registration with regard to suit property qua civil suit being O.S.No.293 of 2018 pending on the file of District Judge's Court, Madurai. To be noted, this Court is informed that I.A.No.31 of 2019 was taken out by sole defendant in the said suit seeking rejection of plaint *inter alia* under Order VII Rule 11 of Code of Civil Procedure, 1908 (hereinafter 'CPC' for brevity). The said application for rejection of plaint was dismissed by civil Court on 07.08.2019. This Court is informed that a Civil Revision Petition has been preferred by the sole defendant against such dismissal in the said I.A.No.31 of 2019 vide C.R.P(MD)No.1776 of 2019 and that the same is now pending in this Court.

6. Notwithstanding several averments made in the affidavit filed in support of the writ petition, notwithstanding several grounds raised / contentions urged in the affidavit filed in support of instant writ petition, learned counsel for writ petitioner (as mentioned supra) abridges the scope of the writ petition and submits that it will suffice if the first respondent is directed to dispose of the aforementioned representation of the writ petitioner given to the first respondent on 06.08.2019 vide Receipt No.4408/2019, details of which have been alluded to supra.

7. Learned State counsel submitted that the first respondent is the authority who shall consider the aforementioned representation given to the first respondent on 06.08.2019 vide Receipt No.4408/2019 made by the writ petitioner (page No.60 of the typed set of papers forming part of the case file).

8. The aforesaid representation given to the first respondent on 06.08.2019 vide Receipt No.4408/2019 shall be disposed of by the first respondent on its own merits and in accordance with law as expeditiously as possible and in any event, within a period of eight (8) weeks from the date of receipt of a copy of this order.

9. It is made clear that in the course of the representation being considered by the first respondent, if the rights of any other third party / parties or any other third party entity / entities is / are likely to be affected, the first respondent shall put on notice and give reasonable opportunity to such third party / parties or any other third party entity / entities, before disposing of the aforementioned writ petitioner's representation. Though obvious, it is made clear that this Court has not expressed any opinion or view on the merits of the matter. It is also made clear with specificity



reasonable opportunity by the first respondent before taking a decision. The authority concerned shall not embark upon any exercise which is within the domain of civil Court jurisdiction.

10. Though obvious, it is made clear that petitioner abridging the prayer will not tantamount to writ petitioner giving up the contentions raised in the writ petition. In other words, all contentions raised in the writ petition are left open.

11. The proceeding / order of disposal shall be communicated by the office of the first respondent to the writ petitioner, second respondent and others concerned (if any) under due acknowledgement within seven (7) working days from the date of completion of aforesaid exercise.

12. Instant Writ Petition is disposed of with the above directions. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

Sub Assistant Registrar(CS)

To

The Sub-Registrar,
Theppakulam Sub-Registrar Office
at Rajakambeeram,
Madurai.

+1 CC to Mr.J.ANAND KUMAR, Advocate (SR-95235[F] dated 31/10/2019)

W.P (MD) No.22957 of 2019
31.10.2019

ps

MK (13.11.2019) 3P 3C