

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 30.07.2020

CORAM :

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.32917 of 2012 and
M.P. No.1 of 2012

Dr. Lemire School of Excellence,
Rep. By its Managing Trustee/Correspondent,
V.Ambiyappan,
S/o. K. Veerappa Thevar,
No.47, Sivan Koil street,
Kalathumettu Road,
Vettavalam, Tiruvannamalai,
Tiruvannamalai District

... Petitioner

v.

1. The Sub Registrar,
O/o. The Sub Registrar,
Vettavalam, Tiruvannamalai,
Tiruvannamalai District.
2. The Inspector of Police
East Police Station,
Tiruvannamalai,
Tiruvannamalai District.
3. R. Sulochana
4. R. Subash
5. R. Palani
6. R. Venkatesan

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuing a Writ of Mandamus directing the 1st respondent not to register any sale deed in respect of the land situated in Survey No.215/12B to an extent of 0.57 cents situated at No.47 Sivan Koil Street, Kalathumettu Road, Vettavalam, Tiruvannamalai District, pending final disposal of the C.C.No.457 of 2012 on the file of the Judicial Magistrate No.II, Tiruvannamalai.

For Petitioners : Mr.Sathish Rajan
For Respondents : Mr.P.P. Purushothaman
Govt. Advocate - for R1
Ms. A. Mathumathi,
Special Govt. Pleader - for R2

Mr. Virumandi
for Mr.Radha gopalan - for R3 & R6

No Appearance - for R4 & R5

O R D E R

When the matter is listed under the caption for dismissal today, Mr.Satish Rajan, learned counsel, submitted that he has instruction to appear on behalf of the petitioner and also made his submissions.

2. The petitioner has filed the above Writ Petition to issue a Writ of Mandamus, directing the 1st respondent not to register any sale deed in respect of Survey No.215/12B, measuring an extent of 0.57 cents situated at No.47, Sivan Koil Street, Kalathumettu Road, Vettavalam, Tiruannamalai District, pending final disposal of the C.C.No.457 of 2012 on the file of the Judicial Magistrate No.II, Tiruvannamalai.

3. On a perusal of the averments stated in the affidavit filed in support of the Writ Petition, it could be seen that the dispute is only between the private parties, viz., the petitioner and the respondents 3 to 6. In the present Writ Petition, the petitioner is seeking to forbear the 1st respondent, viz., The Sub Registrar, from registering any document pertaining to the property mentioned above.

4. When the dispute is civil in nature, this Court cannot entertain the Writ Petition under Article 226 of the Constitution. The remedy open to the petitioner is only to approach the appropriate Civil Court and not a Writ Petition. In such view of the matter, I am not inclined to entertain the Writ Petition. Accordingly, the Writ Petition is dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

सत्यमेव जयते
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

Rj
To

1. The Sub Registrar,
O/o. The Sub Registrar,
Vettavalam, Tiruvannamalai,
Tiruvannamalai District.
2. The Inspector of Police
East Police Station,
Tiruvannamalai, Tiruvannamalai District.

+1 cc to Government Pleader Sr.No. 25771 25750

+1cc to Mr.Radhagopalan , Advocate SR.No. 25815

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