



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.11164 of 2020

V.Praveen Kumar
represented by his Uncle and Guardian
A.J.Palaniswamy, Vinayaka Nagar
By-pass Road, Ramanathapuram (Post)
Coimbatore 641 045.

... Petitioner

-Vs-

- 1.The Inspector General of Registration
No.110 Santhome High Road Raja
Annamalaipurem Chennai - 600 028.
- 2.The District Registrar
Tirupur District no.1/3 Ground Floor
Vignesh Complex, PN Road, Tirupur - 641 002.
- 3.The Sub-Registrar
Sub-Registrar Office Palladam Tirupur
District.
- 4.V.Santhamani

5.V.Subash Chander

... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 3rd Respondent to consider the representation of the petitioner dated 7.2.2020.

For Petitioner :Mr.K.Balasubramaniam

For Respondents:Mr.T.M.Pappiah, Special Govt.Pleader
-For RR 1 to 3

O R D E R

This Writ Petition is filed for the issue of a writ of Mandamus directing the third respondent to consider the representation made by the petitioner on 07.02.2020 and to



notify in the revenue record regarding pendency of the suit in O.S.No.291 of 2019 before the Principal District Judge, Tirupur.

2. The petitioner, who is said to be suffering from some mental illness, is represented by his Uncle and Guardian. The case of the petitioner is that he was living in Australia and was taking treatment for mental illness. When he came back to India, the fourth and fifth respondents are said to have taken the petitioner to the Registration Office and got a settlement deed executed in favour of the fourth respondent.

3. The petitioner has filed a suit in O.S.No.291 of 2019 on the file of the Principal District Judge, Tiruppur to declare the Settlement Deed as null and void and for other consequential reliefs. The petitioner has also filed I.A.No.507 of 2019 seeking an order of interim injunction not to alienate the property. The petitioner has given a representation to the third respondent requesting to notify the pendency of the suit and not to permit any further registration of the property. The grievance of the petitioner is that this representation has not been acted upon by the third respondent. Aggrieved against the same, the present writ petition has been filed before this Court seeking for appropriate direction.

4. Heard Mr.K.Balasubramanian learned counsel for the petitioner and Mr.T.M.Pappiah, learned Special Government Pleader for the respondents 1 to 3.

5. In the considered view of this Court, when a substantive suit is pending touching upon the very legality of the Settlement Deed that is said to have been executed by the petitioner, it will not be appropriate to give a direction to the third respondent to merely take note of the pendency of the suit and prevent further alienation. Unless the petitioner gets an appropriate interim order in the suit that is pending before the competent civil Court, the third respondent cannot merely act upon the representation and stop further alienation of the property. Therefore, no useful purpose will be served in directing the third respondent to act upon the representation made by the petitioner and this Court is not in a position to grant the relief as sought for by the petitioner.

6. The Interlocutory Application filed by the petitioner is pending before the concerned Court. It will therefore be more appropriate to direct the Court concerned to deal with the application and pass appropriate orders. If any orders are passed in favour of the petitioner, the petitioner can always bring it to the notice of the third respondent and thereafter the third respondent can act upon the same.



7. In the result, this writ petition is disposed of with a direction to the Principal District Judge, Tiruppur to dispose of I.A.No.507 of 2019 in O.S.No.291 of 2019, within a period of eight weeks from the date of receipt of a copy of this order, after affording opportunity to all the parties concerned. No costs.

Sd/-
Assistant Registrar(CO)

//True copy//

Sub Assistant Registrar

KST

To

- 1.The Inspector General of Registration
No.110 Santhome High Road Raja
Annamalaipurem Chennai - 600 028.
- 2.The District Registrar
Tirupur District no.1/3 Ground Floor
Vignesh Complex, PN Road, Tirupur - 641 002.
- 3.The Sub-Registrar, Sub-Registrar Office Palladam
Tirupur District.
- 4.The Principal District Judge, Tiruppur.

+lcc to Government Pleader SR.No.27766

W.P.No.11164 of 2020

MG(CO)
GMY(27/08/2020)