

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.07.2020

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.NO.9097 OF 2020

AND

WMP.NO.11087 OF 2020

1. Mrs.Manickam
C/o.Gururajan,

2. Mrs.A.Gandhimathi,
W/o.Alagappan,

3. Mrs.Alamelu,
W/o.Elumalai,

4. Mrs.Padma,
W/o.Kannan,

Vs

.. Petitioners

1. The Inspector General of Registrar,
No.100, Santhome High Road,
Chennai - 600 028.

2. The District Registrar,
Villupuram.

3. The Sub-Registrar,
The Sub-Registrar Office,
Sankarapuram,
Villupuram.

4. Soundarajan,
S/o. Devaraya Udayar,

5. Vijaya,
W/o. Karthikeyan,

6. Pandiyan,
S/o. Devaraya Udayar,

7. Devaki,
D/o. Devaraya Udayar,

8. Ghanavel,
S/o.Devaraya Udayar,

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus in the nature of a writ of mandamus directing the 3rd respondent to consider the representation dated 09.06.2020 made by the 1st petitioner, to not to register any documents belonging to the survey No.29/3 and Survey No.29/4 at Timmanandal Village, Sankarapuram Taluk, Villupuram District.

For Petitioners : Ms.R.Pushpalatha

For Respondent : Mr.T.M.Pappiah
Special Government Pleader [R1 to R3]

O R D E R

This writ petition has been filed for the issue of writ of mandamus forbearing the third respondent from registering any documents pertaining to the subject property.

2. It is seen from records that the suit filed by the father of the petitioners in O.S.No.500 of 1987 seeking for the relief of declaration and possession was dismissed and it was confirmed up to this Court by the order passed by this Court in S.A.No.181 of 2006 dated 22.07.2020. The petitioner has made an averment to the effect that steps have been taken to file an appeal in the Supreme Court and therefore till then no document should be registered by the third respondent.

3. Heard Ms.R. Pushpalatha, learned counsel for the petitioners and Mr.T.M.Pappaih, learned Special Government Pleader for respondents 1 to 3.

4. A writ of mandamus cannot be issued restraining an authority from performing his statutory functions. Admittedly, all the Courts have held against the petitioners and the same is to the effect that the petitioners are not the owners of the property and consequently they are not entitled for possession.

5. The mere fact that the petitioners want to file an appeal before the Hon'ble Supreme Court by itself is not a ground to restrain the third respondent from registering any documents presented for registration. Ultimately, even if the appeal filed before the Hon'ble Supreme Court is entertained, the transaction will be subject to the result in the appeal. Therefore, this Court is not inclined to grant the relief as sought for by the petitioner.

6. In the result, the writ petition is dismissed. No costs.
Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

mp/kp

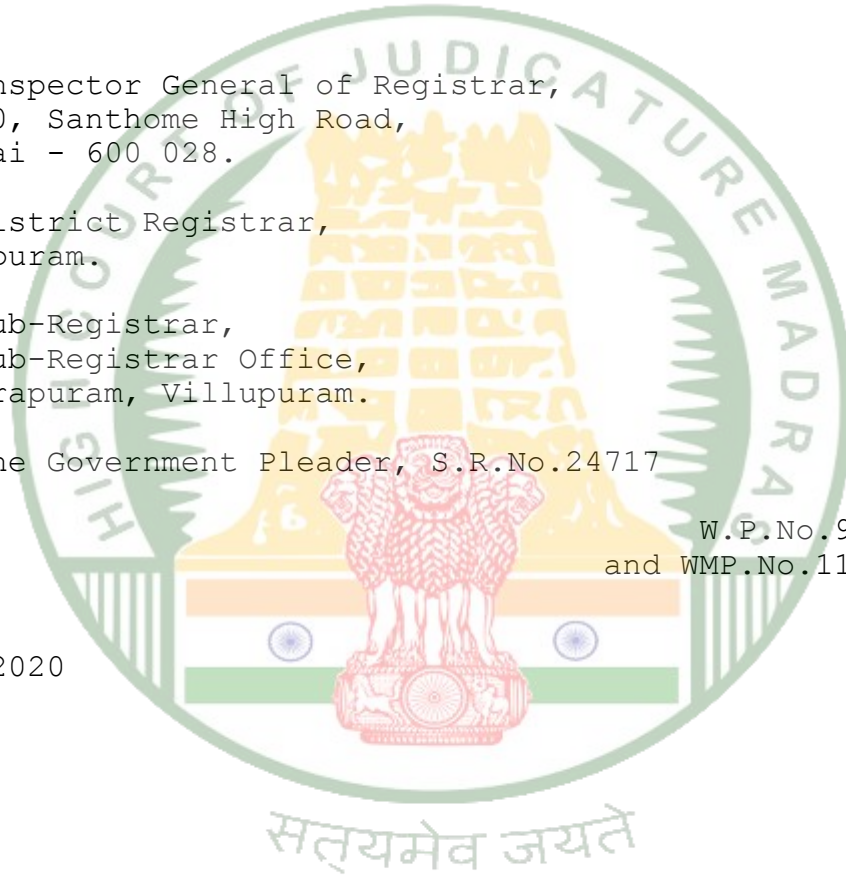
To

1. The Inspector General of Registrar,
No.100, Santhome High Road,
Chennai - 600 028.
2. The District Registrar,
Villupuram.
3. The Sub-Registrar,
The Sub-Registrar Office,
Sankarapuram, Villupuram.

+1cc to the Government Pleader, S.R.No.24717

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CP(CO)
CS/12/08/2020



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