

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.09.2020

CORAM

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

WP.No.12782 of 2020

D. Chandiraan

... Petitioner

Vs.

- 1.The Tahsildar,
Purasawalkam,
Chennai.
2. The Sub-Registrar,
O/o.The Sub-Registrar,
Brick Kiln Road,
Purasawalkam,
Chennai.
3. Smt. J. Adhilakshmi,
4. J. Harikumar @ Madhan Mohan
5. Ramani Bai
6. Jayalakshmi
7. Vijayalakshmi
8. Navitha @ Kavitha
9. J. Devakumar
- 10.J. Arputha Mary

... Respondents

Prayer: Writ Petition filed under Section 226 of Constitution of India praying for issuance of Writ of Mandamus, forbearing the 2nd respondent from registering any Document encumbering the petitioner's property by the 3rd respondent to 10th respondent bearing Door No.2, Old No.33, Krishnadoss Road, 4th Street, Mangalapuri, Chennai, in view of the petitioner's representation dated 07.08.2020 and 25.08.2020.

For Petitioner : Ms.Karthika Ashok
For Respondents: Mr.E. Balamurugane
Spl.Govt.Pleader for R1
Mr.T.M.Pappiah, Spl.G.P
for R2

O R D E R

This Writ Petition has been filed for issuance of Writ of Mandamus forbearing the 2nd respondent from entertaining any document for registration when the same is presented by respondents 3 to 10 with respect to the subject property.

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2. It is seen from records that there is already a decree passed in O.S.No.1568 of 2019 on 3.7.2019 and this Court decree has already been registered on the file of the 2nd respondent. The grievance of the petitioner is that this decree has been obtained by playing fraud on the Court and the petitioner has also initiated proceedings to declare this decree as null and void. In the meantime, since the respondents 3 to 10 were attempting to deal with the property, the petitioner had given a representation to the 2nd respondent on 7.8.2020 by recording his protest to entertain any document presented by respondents 3 to 10. Since the same was not acted upon, the present Writ Petition has been filed before this Court.

3. Heard Ms.Karthika Ashok, learned counsel appearing for the petitioner and Mr.E.Balamurugane, learned Spl.Govt. Pleader appearing for the 1st respondent and Mr.T.M.Pappiah, learned Spl. Govt. Pleader appearing for the 2nd respondent.

4. In the considered view of this Court, the 2nd respondent will not have any power or authority to act upon the representation made by the petitioner and the petitioner had already initiated proceedings challenging the decree passed in O.S.No.1568 of 2019. Till the said decree is reversed, the 2nd respondent cannot act contrary to the decree that has already been passed by the competent Civil Court. If the petitioner apprehends that the respondents 3 to 10 will deal with the property and create third party rights, the petitioner can also file an appropriate application in the pending suit seeking for an interim order restraining them from creating any encumbrance over the property. Only if such an injunction is granted by the competent Civil Court, the 2nd respondent can refuse to register documents. Till then, the 2nd respondent cannot be prevented from registering the documents based on the objection given by the petitioner. Therefore except giving this liberty to the petitioner, no further orders can be passed in this writ petition.

5. This Writ Petition is disposed of accordingly. No costs.

Sd/--
Assistant Registrar

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Sub Assistant Registrar

msr

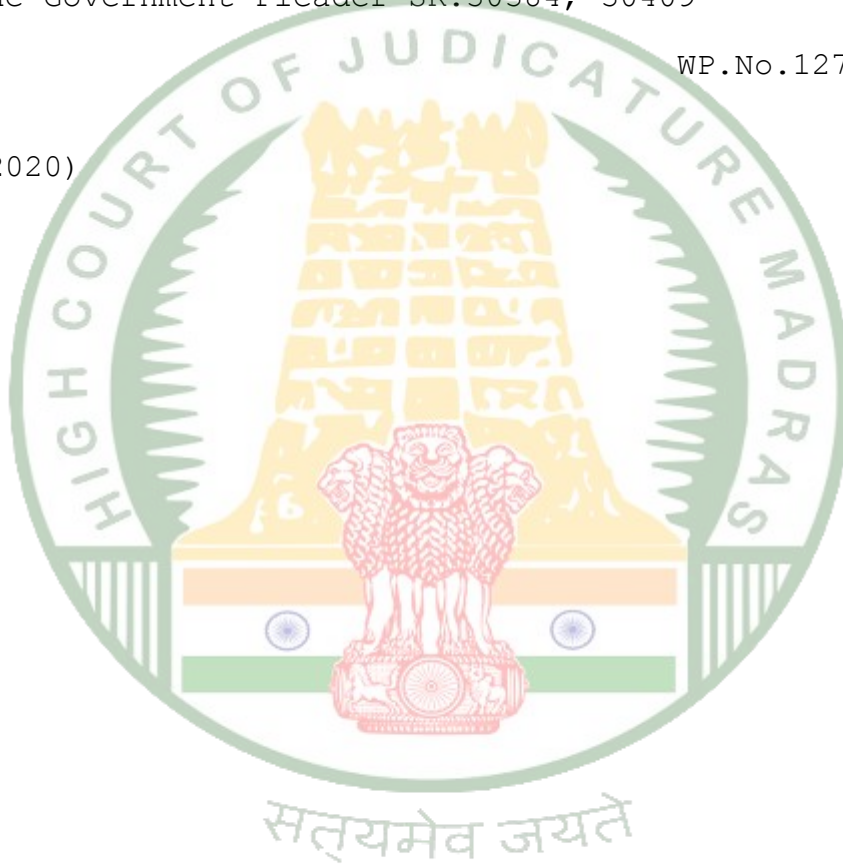
To

- 1.The Tahsildar,
Purasawalkam,
Chennai.
2. The Sub-Registrar,
O/o.The Sub-Registrar,
Brick Kiln Road,
Purasawalkam,
Chennai.

+lcc to the Government Pleader SR.30384, 30409

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