

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2020

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.15500 of 2020
and
W.M.P.No.19345 of 2020

R.Senthil Kumar

... Petitioner

-vs-

1.The District Registrar,
District Registrar Office,
District Collectorate Campus,
Namakkal.

2. Sub-Registrar Joint II,
Sub-Registrar Joint II Office,
Mohanoor Road, Namakkal.

3. Subramani
4. Rajam
5. Mohan
6. Geethavelu,
7. Sellapappa
8. M.Deepika
9. K.Kandasamy
10. K.Rajesh
11.K.Viji

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 and 2 herein not to entertain any documents pertaining to lands situated at Namakkal Town, Namakkal Sub-Registration District, Namakkal Registration District comprised in S.No.13/6 measuring extent of an acre 1.52 $\frac{3}{4}$, S.No.14/3 measuring extent of an acre 3.67, S.No.22/2 measuring extent of an acre 1.09, S.No.22/3 measuring extent of acre 0.10, S.No.25/4 measuring extent of an acre 1.09, S.No.13/6 measuring extent of an acre 0.36 $\frac{1}{2}$, S.No.13/6 measuring extent of acre 0.31 $\frac{1}{2}$, S.No.15/7 measuring extent of acre 0.24, S.No.15/10 measuring extent of acre 0.73, S.No.21/2 measuring extent of an acre 0.70, S.No.21/5 measuring extent of acre 0.20, S.No.21/6 measuring extent of acre 0.57,

S.No.24/2 measuring extent of acre 0.07, S.No.24/3 measuring extent of acre 2.44, S.No.25/1 measuring extent of acre 0.20, S.No.25/1 measuring extent of acre 0.61, S.No.25/3 measuring extent of acre 0.20, S.No.15/10 measuring extent of acre 0.30, S.No.13/6 measuring extent of an acre 0.15 $\frac{1}{4}$, S.No.25/1 measuring extent of an acre 0.19 based on petitioner's representation dated 18.08.2020.

For Petitioner : Mr.T.L.Thirumalaisamy

For R1 & R2 : Mr.T.M.Pappaiah
Special Government Pleader

ORDER

This writ petition has been filed for the issue of writ of mandamus directing the first and second respondents not to entertain any documents for registration pertaining to the subject property pending disposal of the application filed before the Sub-Court, Namakkal in I.A.No.1264 of 2007 in O.S.No.218 of 1984.

2. Heard Mr.T.L.Thirumalaisamy, learned counsel appearing for the petitioner and Mr.T.M.Pappaiah, learned Special Government Pleader appearing for the Respondents 1 and 2.

3. The case of the petitioner is that there was a compromise decree that was passed in O.S.No.218 of 1984 on 25.03.2004. The further case of the petitioner is that the decree itself was obtained by suppression of material facts and therefore an application has been filed in I.A.No.1264 of 2007 to set aside the decree passed in O.S.No.218 of 1984.

4.The petitioner apprehends that the private respondents are attempting to alienate the subject property even before the adjudication of the application filed by the petitioner. Hence the present writ petition has been filed before this Court.

5. In the considered view of this Court, a writ petition cannot be filed only for the purpose of obtaining an interim order when the substantial dispute is pending before the Civil Court. This court cannot issue a writ of mandamus restraining the statutory authorities from performing their function unless the situation was so warrants. It is up to the petitioner to workout his remedy in the pending application before the Civil Court and this Court is not inclined to entertain this writ petition.

6. In the result, this Writ Petition is dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ebsi/lpp

To

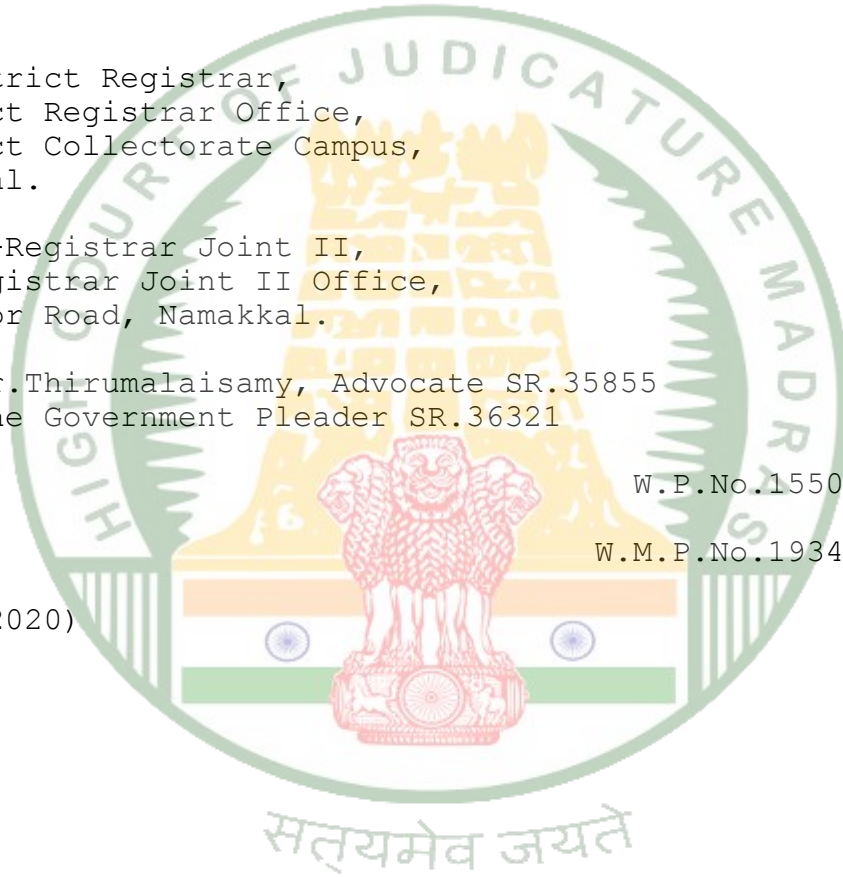
1.The District Registrar,
District Registrar Office,
District Collectorate Campus,
Namakkal.

2.The Sub-Registrar Joint II,
Sub-Registrar Joint II Office,
Mohanoor Road, Namakkal.

+1cc to Mr.Thirumalaisamy, Advocate SR.35855
+1cc to the Government Pleader SR.36321

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MG (CO)
CB(10/12/2020)



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