

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :03.11.2020

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.15395 of 2020

&

W.M.P.No.19255 of 2020

1.P.Radha
2.P.Geetha
P.Sudha

..Petitioners

Vs.

1.The Inspector General of Registration
I.G.Office
No.100, Santhome High Road
Chennai-600 028

2.The District Registrar (Registration)
1st Street, KPN Colony, Vallipalayam, Tiruppur

3.The Sub-Registrar
Sub-Registrar Office, Palladam, Tiruppur District

4.R.Palanisamy

5.R.Krishnasamy

6.R.Radhakrishnan

7.N.Elangovan

..Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 3rd respondent not to register the sale deed submitted by the respondents 4 to 7 as vendor in S.F.No.53/3,99/1, K.Krishnapuram Village and Mathanaicken Palayam, K.Krishnanpuram, Palladam Taluk, Coimbatore district in pata No.77 as per the legal notice dated 23.09.2020.

For Petitioner

: Mr.S.Gunalan

For Respondents

: Mr.T.M.Pappiah, Spl.Govt.Pleader
for R1 to R3.

ORDER

This writ petition has been filed for the issue of Writ of mandamus directing the 3rd respondent not to register any document submitted by respondents 4 to 7 with respect to the subject property.

2. Heard the learned counsel for the petitioner and Mr.T.M.Pappaiah, learned Special Government Pleader for respondents 1 to 3.

3. It is seen from records that the petitioners had filed a suit in O.S.No.561 of 1999 claiming for the relief of partition and 1/3rd share in subject property. This suit was dismissed by judgment and decree dated 13.03.2008. It was subsequently confirmed in Appeal in A.S.No.280 of 2008. The petitioners have filed the Second Appeal before this Court and the same is pending in S.A.No.1240 of 2013.

4. The petitioners have filed this writ petition to direct the 3rd respondent not to register any documents presented by respondents 4 to 7. This would effectively mean that the petitioners want to restrain the respondents 4 to 7 from dealing with the subject property. Admittedly, no such injunction order has been granted in the pending Second Appeal.

5. If the petitioners apprehend that respondents 4 to 7 will create third party rights, the appropriate forum to seek for an interim relief would be to file an application in the pending Second Appeal and an independent writ petition cannot be maintained. The jurisdiction under Article 226 of the Constitution of India cannot be used for getting interim orders when the substantial dispute is pending before this Court in the Second Appeal.

This Court does not find any ground to entertain this Writ petition and accordingly the same is dismissed. No costs. Connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Inspector General of Registration
I.G.Office
No.100, Santhome High Road
Chennai-600 028

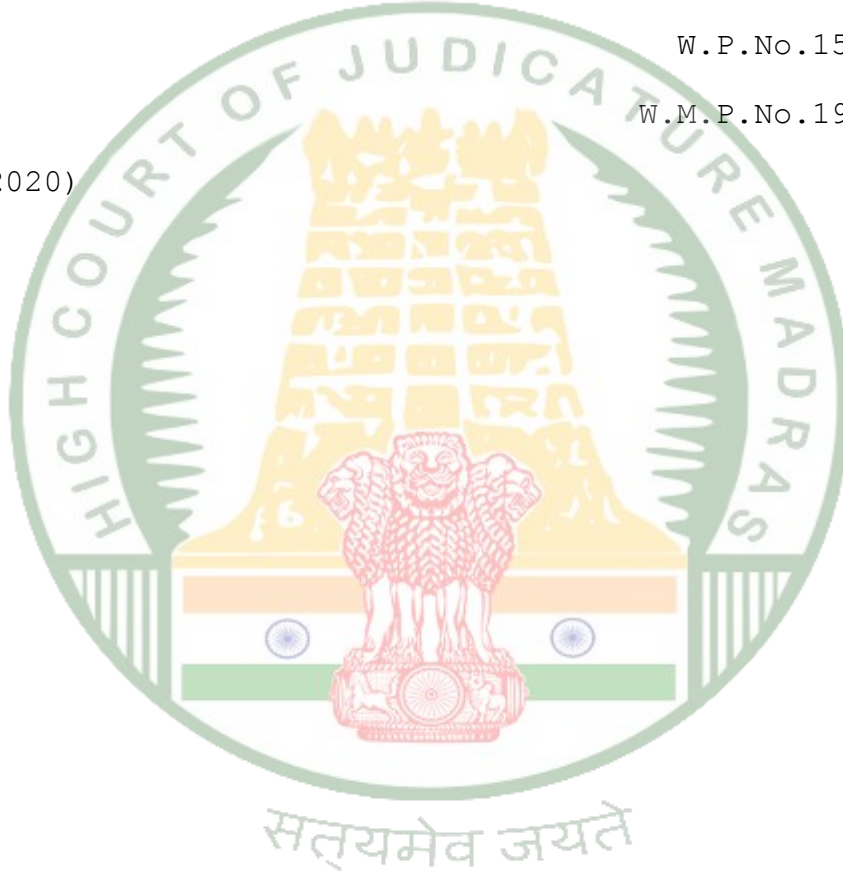
2.The District Registrar (Registration)
1st Street, KPN Colony
Vallipalayam, Tiruppur

3.The Sub-Registrar
Sub-Registrar Office
Palladam, Tiruppur District

+lcc to M/s.S.Gunalan, Advocate, S.R.No.35495
+lcc to the Government Pleader in SR.NO..35876

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(CO)
RV(11/12/2020)



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