

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09.12.2020

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.NO.17742 of 2020

P.Rajeswari

represented by Power of Attorney Agent
namely P.Neelamegan

...Petitioner

Vs

1. The Inspector of General of
Registration,
No.100, Santhome High Road,
Chennai 600 028.
2. The Sub Registrar, Neelangarai,
Chennai.
3. M/s.LANCOR HOLDINGS Ltd.,
having its registered office at
Arihant VTN Square,
New No.58 (Old No.104),
G.N.Chetty Road, T.Nagar,
Chennai 600 017.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Mandamus directing the 2nd respondent not to register any documents pertaining to the suit property which is comprised in S.No.496/7A2A2 and S.No.496/7A2B of Sozhinganallur Village, Sozhinganallur Taluk, Kancheepuram District measuring an extent of 59 cents until disposal of the IA.Nos.1168 and 1169 of 2015 in OS.No.810 of 2015 pending on the file of the learned Addl. District Munsif, Alandur;

For petitioner : Mr.D.Parthasarathy

For Respondents: Mr.T.M.Pappiah, SGP
for R1 and R2

ORDER

This writ petition has been filed for the issue of Writ of Mandamus directing the 2nd respondent not to register any document pertaining to the suit property till the disposal of the interlocutory applications filed in the suit in O.S.No.810

of 2015 pending on the file of the learned Addl. District Munsif Court, Alandur.

2. Heard Mr.D.Parthasarathy, learned counsel for the petitioner and Mr.T.M.Pappiah, learned Special Govt. Pleader appearing for the respondents 1 and 2.

3. In considered view of this Court, the Writ Petition cannot be maintained under Article 226 of the Constitution of India, merely for the purpose of getting an interim order when the substantial dispute is pending before the competent Civil Court. Useful reference can be made to the judgment of the Honourable Supreme Court in the case of Kalabharati Advertising V. Hemant Vimalnath Narichania reported in 2010 9 SCC 437. This Judgment was also followed in the subsequent judgment in the case of A.J.K.Fernandez Vs. Secretary-Finance (Reserve Bank of India) and 3 others reported in (2011) 3 MLJ 523. It has been categorically held that the forum of Writ Court cannot be used for the purpose of securing an interim relief where the final relief is only before the concerned forum. In view of the settled law, this Court is not inclined to entertain the present Writ Petition and it is left open to the petitioner to claim for appropriate relief before the concerned Civil Court, where the applications and the suit is pending.

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

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

msr
To

1.The Additional District Munsif,
Alandur.

2. The Inspector of General of
Registration,
No.100, Santhome High Road,
Chennai 600 028.

3. The Sub Registrar, Neelangarai,
Chennai.

+1cc to the Government Pleader Sr.40434

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