

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 14.12.2020

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.No.18571 of 2020 &
WMP.Nos.23029 and 23032 of 2020

G.Ayub

..Petitioner

Versus

1.The District Registrar,
District Registrar Office,
Thirupapuliyur,
Cuddalore-2.
2.The Joint-II Sub Registrar,
District Registrar Office,
Thirupapuliyur,
Cuddalore-2.
3.The Tahsildar,
Cuddalore Taluk,
Taluk Office,
Cuddalore -1.
4.The Town Surveyor,
Cuddalore Town,
Cuddalore Municipal Office,
Cuddalore-1.
5.C.Kuzhandaivelu
6.K.Chockalingam
7.K.Sivasubramanian
8.K.Rajasundaram,
9.K.Anandhavalli,

..Respondents

Prayer Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari calling for the records of the impugned order passed by the 1st respondent herein in rejecting the claim of the petitioner herein in his proceedings Na.Ka. No.2399/Aa1/2020 dated 20.07.2020 and quash the same as illegal.

For Petitioner : Mr.D.Ravichander
For Respondents : Mr.T.M.Pappiah, Spl.Govt.Pleader
for R1 and R2.
: Mr. E. Balan, Govt. Advocate
for R3 and R4.

ORDER

This Writ Petition has been filed challenging the impugned order passed by the 1st respondent in proceedings dated 20.07.2020, rejecting the claim made by the petitioner not to register any documents pertaining to the subject property.

2. Heard Mr.D.Ravichander, learned counsel for the petitioner and Mr.T.M.Pappiah, learned Spl. Govt. Pleader appearing for the respondents 1 and 2 and Mr.E.Balan, learned Govt. Advocate appearing for the respondents 3 and 4.

3. It is seen from records that the respondents 6 to 8 have filed a suit in O.S.No.248 of 2019 on the file of the Principal District Judge, Cuddalore, seeking for a partition. In the said suit, partition is sought for only as against the subject property. Initially the petitioner who is also a defendant in the said suit, has filed an application to include all the other excluded properties in the schedule of the property, in I.A.No.654 of 2019. The petitioner has also filed an application in I.A.No.655 of 2019 seeking for an injunction against respondents 5 to 8 not to alienate or encumber the subject property pending disposal of the suit. According to the petitioner, all these applications are pending. Since attempts were made to register the property on the file of the second respondent, the petitioner filed yet another application in I.A.No.51.2020 for impleading respondents 1 to 4 herein as defendants in the suit. While all these applications were pending, it is stated that the 5th respondent executed a registered settlement deed dated 10.08.2020 in favour of the 9th respondent herein.

4. In view of the above development, the petitioner issued a notice to the 1st and 2nd respondents and sought for the cancellation of the registered settlement deed dated 10.08.2020. That apart, the petitioner also requested the 1st and 2nd respondents not to register any further documents with regard to the subject property. The request made by the petitioner was rejected by the 1st respondent through the impugned proceedings dated 20.07.2020. Aggrieved by the same, the present Writ Petition has been filed before this Court.

5. In the considered view of this Court, both the request made by the petitioner cannot be considered by the 1st and 2nd respondents in view of the pendency of the suit. In so far as the first request made by the petitioner is concerned, the respondents 1 and 2 are not vested with any jurisdiction to cancel any document and the law on this issue is well settled. In so far as the second request made by the petitioner is concerned, the petitioner will have to get appropriate orders from the competent Civil Court preventing any alienation and in

the absence of the same, the 1st and 2nd respondents cannot refuse to register any documents merely because the suit is pending. Hence, this Court does not find any illegality or infirmity in the order passed by the 1st respondent.

6. It is seen from records that the petitioner has already moved the necessary applications before the District Court seeking for an order of injunction and the same is pending without any adjudication. Hence, there shall be direction to the Principal District Judge, Cuddalore to take up for hearing I.A.No.655 of 2019 and I.A.No.51 of 2020 and pass orders strictly in accordance with law after affording opportunity to all the parties concerned, within a period of six weeks from the date of receipt of a copy of this order. Except giving this direction, no further orders can be passed in this Writ Petition.

7. In the result, this writ petition is disposed of with the above directions. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1. The District Registrar,
District Registrar Office,
Thirupapuliyur,
Cuddalore-2.

2. The Joint-II Sub Registrar,
District Registrar Office,
Thirupapuliyur,
Cuddalore-2.

3. The Tahsildar,
Cuddalore Taluk,
Taluk Office,
Cuddalore -1.

4. The Town Surveyor,
Cuddalore Town,
Cuddalore Municipal Office,
Cuddalore-1.

+1cc to M/s.D.Ravichander, in SR.NO..40639

+1cc to the Government Pleader in SR.NO..41285

+1cc to the Government Pleader in SR.NO..40924

W.P.No.18571 of 2020 &
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rv(27/01/2021)



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