



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2021

CORAM

THE HONOURABLE Mr. JUSTICE G.K.ILANTHIRAIYAN

WP.No.23365 of 2021 and
WMP.No.24644 of 2021

P.Mohankumar

...Petitioner

Vs

1. The District Registrar,
Registration Department,
81, Old Hospital Street, Near Market,
Gobichettipalayam,
Erode District

2. K.V.Jothimani

3. K.Rajalakshmi

4. S.Senthilvadivu

...Respondents

Prayer :-

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the first respondent from proceed with the enquiry on the petition dated 07.02.2020 filed by the second respondent till the disposal of the suit in OS.No.107 of 2020 on the file of the Subordinate Court, Gobichettipalayam with regard to the agricultural land to the extent of 1.83 acres belonging to the petitioner in R.S.No.65/3 and 72/2 in Andipalayam Village, Nambiyur Taluk, Erode District.

For Petitioner : Mr.M.Karthik

For Respondents

For R1 : Mr.A.Selvendran,
Special Government Pleader



ORDER

This writ petition has been filed for forbearing the first respondent to proceed with the enquiry on the complaint lodged by the second respondent dated 07.02.2020 till the disposal of the suit in OS.No.107 of 2020 on the file of the Sub Court, Gobichettipalayam in respect of the land comprised in RS.No.65/3 and 72/2 admeasuring 1.83 acres situated at Andipalayam village, Nambiyur Taluk, Erode District.

2. The case of the petitioner is that the petitioner purchased the said property from third and fourth respondents herein by virtue of decree passed in the suit for specific performance in OS.No.240 of 1999 on the file of the I Additional Sub Court, Gobichettipalayam. However, the second respondent challenged the same by lodging complaint before the first respondent. In the meanwhile, the petitioner also filed suit for declaration in respect of the very same property in OS.No.107 of 2020 on the file of the Sub Court, Gobichettipalayam and other consequential reliefs as against the respondents 3 and 4 herein and others. The said suit is pending for adjudication.

3. However, without even receiving any summons from the first respondent, the prayer sought for in this writ petition is premature one and as such, the prayer sought for cannot be entertained and the writ petition is devoid of merits.

4. Accordingly, this writ petition is dismissed. However, any summons from the first respondent on the complaint lodged by the second respondent received by the petitioner, the first respondent is directed to conduct enquiry and, after giving opportunity of hearing to the petitioner and other counter parties, pass orders on merits and in accordance with law subject to the result of the civil suit filed by the parties. Consequently, connected miscellaneous petition is closed. No order as to costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1.The Subordinate Court,
Gobichettipalayam.



2.The District Registrar,
Registration Department,
81, Old Hospital Street, Near Market,
Gobichettipalayam,
Erode District.

+1cc to M/s.I.C.Vasudevan, Advocate Sr No.60075
+1cc to the Government Pleader Sr No.60278

WP.No.23365 of 2021

PL (CO)
PR (03/12/2021)