



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.01.2021

CORAM

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P. (MD) No.463 of 2021

Jeyakala

.. Petitioner

Vs

1.The District Registrar,
Registration Department,
Theni,
Theni District.

2.The Sub Registrar,
Office of Sub Registrar,
Chinnamanur,
Theni District.

3.Vasanth

.. Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondent not to register any sale deed, mortgage deed and any document pertaining to the Nanja land in Survey No.786/2, Survey No.964/2, Survey No.759/2, Survey No.759/2, Punjai land in Survey No.164/1, Survey No.169/2, Survey No.170/1A, Survey No.165, Survey No.1004/4, Survey No.349/1, situated at Kottur Village, Theni Taluk, Theni District on the basis of the petitioner's representation.

For Petitioner	:	Mr.S.Muniyandi
For Respondents	:	Mr.K.Sathiya Singh
1 & 2		Additional Government Pleader

ORDER

The properties in Survey Nos.786/2, 964/2, 759/2, 759/2, 164/1, 169/2, 170/1A, 165, 1004/4, 349/1, situated at Kottur Village, Theni Taluk, Theni District were the ancestral properties of the petitioner. It appears that one Anandhamurugan filed a suit against the legal heirs before the District Munsif Court, Theni in O.S.No.266 of 2006 for partition. The petitioner was impleaded as party in the suit as fourth defendant and the third respondent herein was impleaded as third defendant. The learned District Munsif passed *ex parte* decree on 10.07.2008.

2.Aggrieved by the *ex parte* decree, one Ravindran filed I.A.No.505 of 2006 in O.S.No.266 of 2006 seeking to set aside the *ex parte* decree. The interim application filed by the said Ravindran came to be dismissed on and he filed an appeal in C.M.P.No.4 of 2016 before the Sub Court, Theni. The said Civil Miscellaneous Petition was also dismissed on 01.12.2018.



3.As against the dismissal of the above Civil Miscellaneous Petition, the said Ravindran filed Civil Revision Petition before this Court with a considerable delay in C.M.P.(MD)No.10233 of 2019 in C.R.P.(MD)SR No.20388 of 2019 and the same is pending before this Court.

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4.The grievance of the petitioner herein is that the third respondent in the meanwhile is trying to encumber the properties by way of execution of sale deed. The petitioner has objected to the registration of any document encumbering the subject properties and in that regard, she submitted a representation on 04.12.2020. In the said circumstances, the petitioner is before this Court seeking issuance of writ of mandamus directing the official respondents not to register any sale deed pertaining to the subject land on the basis of her representation.

5.This Court is unable to appreciate as to how the present Writ Petition is maintainable, as the above factual narrative would reveal that the dispute in regard to the subject properties is pending consideration in a pending unnumbered Civil Revision Petition before this Court. The said Civil Revision Petition arises from the *ex parte* decree granted by the competent Civil Court. Since the Civil Revision Petition is pending before this Court for adjudication, the present Writ Petition filed by the petitioner cannot be entertained as no direction as prayed for by the petitioner could be given in the meanwhile.

6.Therefore, the Writ Petition is dismissed as devoid of merits and substance. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

SRM

To

- 1.The District Registrar,
Registration Department,
Theni, Theni District.
- 2.The Sub Registrar,
Office of Sub Registrar,
Chinnamanur, Theni District.

+1 CC to M/s.SPL GP (SR-1077[F] dated 19/01/2021)

W.P.(MD)No.463 of 2021

18.01.2021

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KB(04.02.2021) 2P 4C

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