



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 18.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE **V.PARTHIBAN**

W.P. (MD)No.454 of 2021

Palanikumar

... Petitioner

- Vs -

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

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

3.Chellappa

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondent not to register any sale deed, mortgage deed and any document pertaining to the punja land in Survey No.82/2 with an extent of 2 acre 48 cents, survey No.83/6 with an extent of 53¼ cents out of 2 acres 84 cents, situated at Seelayampatti, Chinnamanur Sub Division, Periyakulam Registration District, Theni District on the basis of the petitioner's representation dated 08.10.2020.

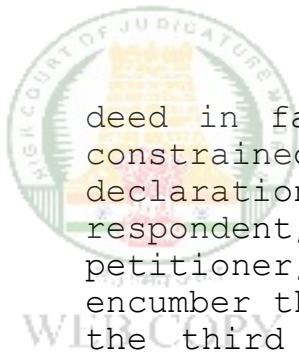
For Petitioner
For Respondents
1 and 2

: Mr.S.Muniyandi
: Mr.K.Sathiya Singh
Additional Government Pleader

ORDER

According to the petitioner, the properties in Survey No.82/2 with an extent of 2 acres 48 cents and in Survey No.83/6 with an extent of 53 ¼ Cents out of 2 acres 84 cents situated at Seelayampatti, Chinnamanur Sub Division, Periyakulam Registration District, Theni District had been in enjoyment of the petitioner's father as ancestral properties without any encumbrance. His father had executed a settlement deed in favour of the petitioner along with his sister on 16.09.1992 which was registered as Document No.1842/1992.

2.Subsequently, the petitioner's mother had executed a sale deed in favour of the third respondent by suppressing the settlement



deed in favour of the petitioner. Therefore, the petitioner was constrained to file a suit before the Civil Court seeking declaration of the sale deed executed in favour of the third respondent, by his mother, as null and void. According to the petitioner, in the meanwhile, the third respondent is attempting to encumber the properties by seeking to alienate the same in favour of the third parties. Therefore, the petitioner has submitted his representation on 08.10.2020 to the registering authority not to register any instrument encumbering the property in question. Since the representation has not evoked any response, the petitioner is before this Court.

3.From the above factual narrative, it is clear that there is a suit pending between the parties at the instance of the petitioner herein. When a civil proceedings is pending between the parties, any relief in relation to the subject property has to be obtained in the pending civil suit and it is not open to the petitioner to approach this Court by invoking the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India by way of parallel legal proceedings.

4.Nothing prevents the petitioner from approaching the Civil Court in the pending suit and the petitioner can obtain any interim direction or injunction, as the case may be, to protect his interest pending finalization of the suit. However, it is certainly not open to the petitioner to approach this Court by way of an interim relief when the main relief is pending before the competent Civil Court for adjudication.

5.In that view of the matter, this Court finds that the Writ Petition is not maintainable and hence, dismissed. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

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



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

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VB (08.02.2021) 3P 4C