



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.02.2021

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.2767 of 2021 and
W.M.P.(MD)No.2261 of 2021

Dr.S.Raju

... Petitioner

-Vs-

1. The District Registrar (Administration)
Thoothukudi District.
2. The District Registrar,
Tirunelveli District.
3. The Sub Registrar,
Murappanadu, Srivaikundam Taluk,
Thoothukudi District.

4. Ephrin Nobel
5. Christantine Rajasekar

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, forbearing the respondents from executing and registering a document in respect of the specific portions of the property in Survey No.S.No.662/A2, 659, 653 and 654 situated in Keelavallanadu Village, Srivaikundam Taluk, Thoothukudi District till such time the petitioner is divided by meets and bounds by the decree of partition.

For Petitioner	: Mr.G.Prabhu Rajadurai
For R1 to R3	: Mr.K.Sathiya Singh Additional Government Pleader
For R4 & R5	: Mr.Meenakshi Sundraram for Mr.J.Ashok

ORDER

Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 to 3 and the learned Senior Counsel appearing for R4 & R5.

2.The petitioner wants this Court to restrain the registering authority from registering any document in respect of the petition mentioned property. The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition.



3.It is obvious that there is no public law element present at all in this lis. The petitioner is having a civil dispute with the private respondents herein. The petitioner had fairly enclosed a copy of the plaint in O.S.No.131 of 2015 on the file of the District Munsif Court, Thoothukudi. The fourth respondent Ephrin Nobel is figuring as first defendant in the said suit. O.S.No.790 of 2017 is a partition suit involving the same subject matter pending on the file of the Sub Court, Thiruchendur. If the petitioner wants any restraint order against the registering authority, it is for the petitioner to move the jurisdictional Civil Court where the lis is pending. The question of filing the writ petition will not arise at all. Leaving open the rights of the parties, the Writ Petition is dismissed. All the rights and contentions of the petitioner are left open. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

Sub Assistant Registrar (CS-)

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The District Registrar (Administration)
Thoothukudi District.
2. The District Registrar,
Tirunelveli District.
3. The Sub Registrar,
Murappanadu, Srivaikundam Taluk,
Thoothukudi District.

+1 CC to Mr.J.ASHOK, Advocate (SR-5037[F] dated 15/02/2021)

+1 CC to SPL GP (SR-5377[F] dated 16/02/2021)

+1 CC to Mr.G.PRABHU RAJADURAI, Advocate (SR-5415[F]dated 16/02/2021)

RMI

TE : 02/03/2021 : 2P/7C

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