



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

**W.P. (MD) .No.11585 of 2021
and W.M.P. (MD) .No.9099 of 2021**

P.Sivakumar

... Petitioner

Vs.

The Sub Registrar,
Sub Registrar Office,
Sathankulam,
Thoothukudi District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the respondent in his proceedings in Kot[wh Mtz vz;/P.25/2009, dated 30.10.2017 (obtained by the petitioner on 24.06.2021) and quash the same as illegal and consequently, to direct the respondent to release the document registered as P.25/2009 on the file of the respondent office within the period that may be stipulated by this Court.

For Petitioner

: Mr.Ajmal Khan Senior Counsel for
M/s.Ajmal Associates

For Respondent

: Mr.R.Suresh Kumar
Government Advocate

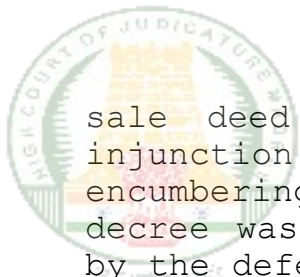
ORDER

On consent given by either side, the main Writ Petition itself is taken up for final hearing.

2. This Writ Petition has been field challenging the impugned proceedings of the respondent, dated 30.01.2017, which is said to have been received by the petitioner only on 24.06.2021 and consequently direct the respondent to register the document and release the same to the petitioner.

3. Heard Mr.M.Ajmal Khan, learned Senior Counsel for M/s.Ajmal Associates, appearing for the petitioner and Mr.R.Suresh Kumar, learned Government Advocate appearing for the respondent.

4. It is seen from records that a suit has been filed in O.S.No.67 of 2009, before the Principal District Court, Thoothukudi, by one Mrs.Alice Ragini, for the relief of partition and separate possession. In the said suit, the vendors of the petitioner, who are the second and third defendants in the suit had executed the



sale deed in favour of the petitioner. An order of interim injunction was also passed restraining the defendants from encumbering or alienating the property. Initially, an exparte decree was passed and subsequently, based on the application filed by the defendants, the exparte decree was set aside and the suit has been restored. When this suit is pending, it came to be transferred to the file of the Sub Court, Tiruchendur and it was re-numbered as O.S.No.20 of 2021. In the meantime, the respondent has issued the impugned proceedings refusing to register the document on the strength of the exparte decree that was passed in the suit.

5. In the considered view of this Court, there is already an order of interim injunction, which is in force. That apart, the suit that was filed in the year 2009, is kept pending for more than 12 years. Therefore, it will be more appropriate, if a direction is given to the concerned Court to dispose of the suit within a time frame. Based on the result in the suit, the parties can act accordingly.

6. In the result, the Writ Petition is disposed of with a direction to the Sub Court, Tiruchendur, to dispose of the suit in O.S.No.20 of 2021, within a period of three months, from the date of receipt of a copy of this order. Depending upon the result in the suit, it is left open to the parties to work out their rights. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

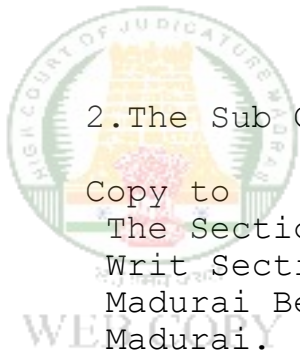
tsg

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 Sub Registrar,
Sub Registrar Office,
Sathankulam,
Thoothukudi District.



2.The Sub Court, Tiruchendur.

Copy to
The Section Officer,
Writ Section,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.SPL GP (SR-22923[F] dated 16/07/2021)

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-22875[F] dated
16/07/2021)

W.P. (MD) .No.11585 of 2021

Dated

15.07.2021

MGJ(26.07.2021) 3P 6C