

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2022

CORAM:

THE HON'BLE MR. JUSTICE M.DHANDAPANI

W.P. No.2799 of 2022

P. Murugesan

.... Petitioner

Versus

1. The District Registrar (Administration),
Registration Department,
Velappaddi,
Vellore.

2. The Sub-Registrar,
O/o. The Sub-Registrar,
Natrampalli,
Tirupattur District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Mandamus directing the 1st respondent to forthwith refrain / restrain the 2nd respondent from in any manner accepting / registering any documents pertaining to the property situate in S. No.342/1B/1A until finalization of the final decree proceedings in O.S. No.96/2011 on the file of Additional District Munsif, Tirupattur.

For Petitioner : Mr.L.Chandrakumar

For Respondents : Mr.Yogesh Kannadasan
Spl. Govt. Pleader

ORDER

Mr.Yogesh Kannadasan, learned Special Government Pleader accepts notice for the respondents.

2. The prayer sought for in this writ petition is for a direction to the 1st respondent to forthwith refrain / restrain

the 2nd respondent from in any manner accepting / registering any documents pertaining to the property situated in S. No.342/1B/1A until finalization of the final decree proceedings in O.S. No.96/2011 on the file of Additional District Munsif, Tirupattur.

3. The case of the petitioner is that pursuant to a preliminary decree a partition suit in O.S. No.96 of 2011 on the file of Additional District Munsif, Tirupattur, he was allotted 1/8th share in respect of S.No.342/1B/1A consequent upon sub division of S. No.342/10A of Natrampalli Village. It is averred that pursuant to passing of decree in O.S. No.295 of 2009, the extent of 15 cents has been arrived at. That being so, it came to light some of the interested parties chosen to seek transfer of patta before the respondents. Hence, he submitted two representations, dated 24.11.2021 and 12.01.2022 to the respondents not to register any documents pertaining to the subject land i.e. S. No.342/1B/1A till the finalization of the final decree proceedings in O.S. No.96 of 2011 that too the subject land is in the stage of execution of partition. Therefore, he come up with this writ petition for appropriate direction to the respondents.

4. Heard Mr.L.Chandrakumar, learned counsel for the petitioner and Mr.Yogesh Kannadasan, learned Special Government Pleader appearing for the respondents.

5. Learned counsel for the petitioner submits that without final decree proceedings based on the preliminary decree, some of the interested persons are selling the property. Hence, he prays it would suffice, if this Court directs the respondents to consider the representations of the petitioner and not to register any documents pertaining to the subject property, till the time of final decree proceedings is to be passed.

6. Mr.Yogesh Kannadasan, learned Special Government Pleader appearing for the respondents submitted that the respondents have not registered any document after receipt of petitioner's representation dated 26.11.2021 in respect of S. No.342/1B/1A of Natrampalli Village. However, he has no objection to such a direction being issued.

7. In the light of the fair stand taken by the learned counsel on either side, this Court, without going into the merits of the case, directs the second respondent not to register any documents pertaining to petitioner's property in S. No.342/1B/1A till the date of final decree proceedings are passed by the concerned court. However, liberty is granted to the petitioner

to address his grievances before the 1st respondent, if any document is already registered in respect of the subject land.

8. With the aforesaid direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CCC)

// True Copy //

Sub Assistant Registrar

vsi2

To

- 1.The Additional District Munsif,
Tirupattur.
- 2.The District Registrar (Administration),
Registration Department,
Velappaddi,
Vellore.
- 3.The Sub-Registrar,
O/o. The Sub-Registrar,
Natrampalli,
Tirupattur District.

+1cc to Mr.L.Chandra Kumar, Advocate SR.No.1056
+1cc to the Government Pleader, SR.No.11568

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SJ(CO)
CB(21/03/2022)