



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2022

CORAM

THE HONOURABLE Mr. JUSTICE G.K.ILANTHIRAIYAN

WP.No.15062 of 2021

and

WMP.No.15957 of 2021

Manimaran

...Petitioner

Vs

1. The Sub Registrar,
Thozhuthur Sub Registration Office,
Thozhuthur,
Cuddalore District

2. Selvaraj

3. Vijaya

4. Kannadhasan

...Respondents

Prayer :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records relating to the sale deed bearing document No.153 of 2021 dated 23.02.2021 on the file of Sub Registrar, Thozhuthur, Thittagudi Taluk, Cuddalore District, the first respondent herein and quash the same as illegal.

For Petitioner : Mr.M.Velmurugan

For Respondents

For R1 : Mr.Yogesh Kannadasan,
Special Government Pleader

For R2 & 3 : Mr.R.Veeramani

ORDER

The writ petition has been filed to issue a Writ of Certiorari calling for the records relating to the sale deed bearing document No.153 of 2021 dated 23.02.2021 on the file of



Sub Registrar, Thozhuthur, Thittagudi Taluk, Cuddalore District, the first respondent herein and quash the same.

2. Heard, Mr.M.Velmurugan, the learned counsel for the petitioner, Mr.Yogesh Kannadasan, Special Government Pleader appearing for the first respondent, and Mr.R.Veeramani, the learned counsel for respondents 2 & 3.

3. The case of the petitioner is that his grand father is the absolute owner of the property comprised in survey No.196/7 to an extent of 9 cents situated at Alambadi Village, Thittagudi Taluk, Cuddalore District. After his demise, the petitioner and his father i.e. the second respondent herein inherited the said property. However the second respondent deserted the petitioner's mother and he got married the third respondent without obtaining any divorce before Court of law. The second respondent executed sale deed in respect of the subject property on 28.05.2002 in favour of his second wife i.e. the third respondent herein. The petitioner filed suit for partition and injunction in OS.No.338 of 2017 and it is pending on the file of the Sub Court, Thittakudi. The petitioner also filed application for injunction not to alienate the subject property in IA.No.337 of 2017 and injunction was ordered, thereby restraining the respondents 2 & 3 herein from alienating the subject property till disposal of the suit. Even when the injunction order is very much in force, the third respondent in turn executed sale deed in favour of the fourth respondent by the registered sale deed dated 23.02.2021 vide document No.153 of 2021. Therefore, the petitioner filed this writ petition challenging the sale deed dated 23.02.2021.

4. Admittedly, the petitioner filed suit for partition and also for injunction in OS.No.338 of 2017 and the petitioner had obtained order of injunction in IA.No.337 of 2017 thereby restraining respondents 2 and 3 from alienating the subject property. If the said order is violated, the petitioner can very well approach the court below by way of contempt. If the petitioner found any fraudulent transaction, he can very well lodge complaint before the District Registrar concerned. That apart, the sale deed cannot be challenged before this Court under Article 226 of the Constitution of India and as such the writ petition itself is not maintainable. Therefore, the writ petition is devoid of merits and liable to be dismissed.



5. Accordingly, this writ petition is dismissed. Consequently, connected miscellaneous petition is closed. No order as to costs.

WEB COPY

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

lok

To

The Sub Registrar,
Thozhuthur Sub Registration Office,
Thozhuthur,
Cuddalore District.

+1cc to Mr.R.Veeramani, Advocate, S.R.No.5078
+1cc to the Government Pleader, S.R.No.5642

WP.No.15062 of 2021

SJ[co]
NSK 09/02/2022