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W.P.Nos.24226 of 2021 & 23773 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos. 24226 of 2021 & 23773 of 2022

and

W.M.P.Nos. 25539, 25540 of 2021 & 22742 of 2022

1.A.R.Subramaniam

2.A.S.Ramalingam

.. Petitioners in W.P.No.24226 of 2021

A.S.Ramalingam

.. Petitioner in W.P.No.23773 of 2022

Versus

1.The Inspector General of Registration
100, Santhome High Road
Chennai – 600 028

2.The Sub Registrar
Office of the Sub Registrar
Vellakoil
Tiruppur District

3.M.S.Muthuvel

.. Respondents in W.P.No.24226 of 2021

The Sub Registrar
Office of the Sub Registrar
Vellakoil
Tiruppur District

.. Respondent in W.P.No.23773 of 2022



W.P.Nos.24226 of 2021 & 23773 of 2022

Prayer in W.P.No.24226 of 2021: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, forbearing the respondents 1 and 2 from registering the judgment and decree dated 28.06.2021 made in A.S.No.22 and 23 of 2019 passed by the Ld.Principal District Court, Tiruppur, presented at the instance of the 3rd respondent, in view of the stay order dated 27.08.2021 made in C.M.P.No.13662 of 2021 in S.A.No.643 of 2021 and S.A.No.646 of 2021 by considering the petitioners' representation dated 01.11.2021.

Prayer in W.P.No.23773 of 2022: 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 in RFL/Vellakovil/60/2022, dated 18.08.2022 passed by the respondent, quash the same and consequently direct the respondent to register the Memorandum of Deposit of Title Deeds dated 18.08.2022 presented for enhancing the existing credit facilities in line with earlier MoDTD dated 22.03.2022 (Doc.No.1534/2022).

In W.P.No.24226 of 2021

For Petitioners	: Mr.N.Manoharan
For Respondents	: Mr.C.Jayaprakash for R1 and R2 Government Advocate Mr.K.Venkateswaran for R3

In W.P.No.23773 of 2022

For Petitioner	: Mr.N.Manoharan
For Respondent	: Mr.C.Jayaprakash Government Advocate

COMMON ORDER

As the issue arise in both the Writ Petitions are one and the same,



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they are disposed of by way of this common order.

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2. The writ petition in W.P.No.24226 of 2021 is filed seeking forbearance of the respondents 1 and 2 from registering the judgment and decree dated 28.06.2021 made in A.S.No.22 and 23 of 2019 passed by the Ld.Principal District Court, Tiruppur, presented at the instance of the 3rd respondent, in view of the stay order dated 27.08.2021 made in C.M.P.No.13662 of 2021 in S.A.No.643 of 2021 and S.A.No.646 of 2021 by considering the petitioners' representation dated 01.11.2021.

3. The case of the petitioner in W.P.No. 23773 of 2022 is that the petitioner availed a credit facility during the pendency of the suit and the credit facility were also sanctioned by the bank and a MoDTD was executed, when the same was presented before the respondent, the first respondent refused to register the said MoDTD presented by the petitioner. Hence, this petition.

4. Mr.N.Manokaran, learned counsel for the petitioners in both the case submitted in respect to W.P.No.24226 of 2021 that it would suffice if



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the third respondent undertake not to present the A.S.Nos.22 and 23 of 2018 till the disposal of the second appeals in S.A.Nos.643 and 646 of 2021.

Further, with respect to W.P.No.23773 of 2022, he seeks this Court to permit the petitioner to file appropriate petition before this Court in S.A.Nos.643 and 646 of 2021 for enhancement of credit facility by impleading the first respondent/SRO,Vellakoil.

5. Mr.K.Venkateswaran, the learned counsel for the third respondent submitted that the third respondent will not present the A.S.Nos.22 and 23 of 2018 till the disposal of the second appeals in S.A.Nos.643 and 646 of 2021.

6. Heard both sides and perused the materials placed on record.In view of the consent view expressed by the learned counsels, this Court with respect to W.P.No.24226 of 2021, directs the third respondent not to present the A.S.Nos.22 and 23 of 2018 till the disposal of the second appeals in S.A.Nos.643 and 646 of 2021.Further, with respect to W.P.No.23773 of 2022, this Court permits the petitioner to file appropriate petition before this Court in S.A.Nos.643 and 646 of 2021 for impleading the necessary parties



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including the concerned SRO and work out the remedy in the manner known to law.

7. With the above view, these writ petitions are **disposed of**. No costs. Consequently, connected miscellaneous petitions are closed.

13.09.2022

dhk

Index : Yes / No

Speaking Order : Yes / No

To

1.The Inspector General of Registration
100, Santhome High Road
Chennai – 600 028

2.The Sub Registrar
Office of the Sub Registrar
Vellakoil
Tiruppur District



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M.DHANDAPANI, J.

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