



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **14.06.2022**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P. (MD) .No.546 of 2012

and

M.P. (MD) Nos.1 & 2 of 2012

WEB COPY

Lanco Tanjore Power Company Limited,
(Formerly known as Aban Power Company Limited)
represented by Company Secretary,
No.9, Karuppur Village, Pandhanallur Via.,
Thiruvidaimarudur Taluk,
Thanjavur District.

... Petitioner

Vs.

1. The Registrar General (Registration),
O/o. The Inspector General of Registration,
100, Santhome High Road,
Chennai - 600 028.

2. The District Registrar,
Registrar Office,
Dr.Moorthy Road,
Kumbakonam - 612 001.

3. The Joint No.1 Sub-Registrar,
O/o. The District Registrar,
Dr.Moorthy Road,
Kumbakonam - 612 001.

4. M.Vijendran

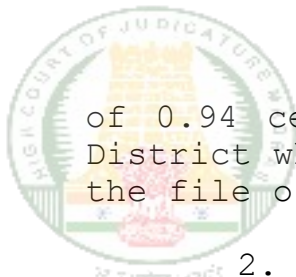
... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the respondents 2 to 4 from registering sale deeds or other documents in respect of Old R.S.No.350/3, New R.S.No.350/4 measuring an extent of 0.94 cents situate at Kottaiyur Village, Kumbakonam Taluk, in Thanjavur District which is the subject matter of O.S.No.23/2009 pending on the file of Principal District Munsif Court, at Kumbakonam.

For Petitioner : Mr.S.Madhavan
For R1 to R3 : Mr.K.S.Selvaganesan
For R4 : Mr.T.V.Sivakumar

ORDER

The present writ petition has been filed seeking a Mandamus forbearing the respondents No.2 to 4 from registering any sale deeds in respect of old R.S.No.350/3, new R.S.No.350/4 measuring an extent



of 0.94 cents in Kottaiyur Village, Kumbakonam Taluk, in Tanjavur District which is the subject matter of O.S.No.23 of 2009 pending on the file of Principal District Munsif Court, at Kumbakonam.

2. According to the petitioner, they have purchased the said property under a registered sale deed dated 26.09.2006, from one Muthulakshmi Ammal and a civil dispute has arisen between the petitioner company and the fourth respondent in the writ petition. The fourth respondent in the writ petition has filed O.S.No.23 of 2009 on the file of Principal Munsif District Court, Kumbakonam for the relief of bare injunction. In the said suit, the petitioner is the third defendant and the petitioner's vendor, Muthulakshmi Ammal, has been shown as the second defendant. According to the writ petitioner, since no interim orders were granted in O.S.No.23 of 2009, the fourth respondent who is the plaintiff in the suit had approached the revenue authorities and he had approached the registration department to register sale deeds as if he has got some legal right over the properties which are subject matter of O.S.No.23 of 2009. In the background of these facts, the present writ petition has been filed.

3. A perusal of the prayer indicates that an interim injunction application prayer has been converted into prayer in the writ petition and a Writ of Mandamus has been sought for.

4. It is needless to point out that any registration that is effected during the pendency of O.S.No.23 of 2009 with regard to the properties which are subject matter of the said suit are always subject to the result of the said suit. No legal right is conferred upon the purchaser who had purchased the properties during the pendency of O.S.No.23 of 2009 in view of Section 52 of Transfer of Property Act. It is strange that the said suit has been pending for more than 22 years. Hence, I find that no useful purpose will be served in issuing a Writ of Mandamus when the rights and the apprehensions of the writ petitioner are being taken care of by Section 52 of Transfer of Property Act.

5. With the above said observations, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/06/2022

Sub Assistant Registrar(CS)

jbr



To

1. The Registrar General (Registration),
O/o. The Inspector General of Registration,
100, Santhome High Road,
Chennai - 600 028.

2. The District Registrar,
Registrar Office,
Dr.Moorthy Road,
Kumbakonam - 612 001.

3. The Joint No.1 Sub-Registrar,
O/o. The District Registrar,
Dr.Moorthy Road,
Kumbakonam - 612 001.

+1 CC to M/s.M. KARTHIKEYAVENKITACHALAPATHY, Advocate (SR-25639[F]
dated 14/06/2022)

+1 CC to M/s.T.V. SIVAKUMAR, Advocate (SR-25723[F] dated 15/06/2022)

+1 CC to M/s.SPL.GP (SR-26171[F] dated 16/06/2022)

Order made in
W.P. (MD).No.546 of 2012
14.06.2022

NSN (CO)

GC(27.06.2022) 3P 7C