



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.01.2022

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD) .No.1212 of 2022

Muthumari

... Petitioner

Vs.

1.The Sub Registrar,
Sivakasi Sub-Registrar Office,
Virudhunagar District.

2.Uma

3.Ananthi

4.Sivamuthu

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent not to register any document presented by respondents 2 to 4 with respect to the schedule of properties that are subject matter of pending adjudication in O.S.No.121 of 2021 on the file of Additional District and Sessions Court, Virudhunagar.

For Petitioner	:	Mr.A.Balaji
For R-1	:	Mr.N.Satheesh Kumar, Additional Government Pleader.

ORDER

Heard Mr.A.Balaji, learned counsel for the petitioner and Mr.N.Satheesh Kumar, learned Additional Government Pleader, who takes notice on behalf of the first respondent.

2. In view of the nature of the order passed, notice is not directed to respondents 2 to 4.

3. The Writ Petition has been filed in the nature of Mandamus, seeking a negative relief against the first respondent / the Sub Registrar, Sivakasi Sub-Registrar Office, Virudhunagar District, not to register any document, if they are presented for registration by respondents 2 to 4 with respect to the properties which are mentioned in the Schedule in O.S.No.121 of 2021, which is now pending on the file of the Additional District and Sessions Court, Virudhunagar.



4. Primarily, the relief has to be sought in the suit itself and therefore, the relief sought in the Writ Petition cannot be granted by this Court. The only caveat which can be placed on the first respondent is that, if ever, any document is presented for registration and if a representation is on the table of the first respondent by the petitioner herein, then, before proceeding to register the document, the petitioner must be put on notice. That is the only nature of relief which can be granted. But this would necessitate a proper representation being given by the petitioner to the first respondent giving details of the Schedule of the properties.

5. Accordingly, this Writ Petition is disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Lm

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 Additional District and Sessions Judge, Virudhunagar.

2.The Sub Registrar,
Sivakasi Sub-Registrar Office,
Virudhunagar District.

+1 CC to M/s.SPL.GP (SR-2589[F] dated 27/01/2022)

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TR(03.02.2022) 2P 4C