



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.01.2022

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD) .No.1381 of 2022

M.Vengatesan

... Petitioner

Vs.

1.The Deputy Registrar,
Combined Building,
Department of Registration,
Othakadai,
Madurai.

2.The Sub-Registrar,
Arasaradi,
Madurai.

3.Thirumathi.Vanaja

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, by directing the first and second respondents herein to consider the representation of the petitioner dated 13.12.2021 and acted upon the same within a stipulated time as may be fixed by this Court.

For Petitioner	:	Mr.M.Jegadeesh Pandian
For R-1 and R-2	:	Mr.D.Ghandiraj, Special Government Pleader

ORDER

This Writ Petition has been filed in the nature of Mandamus seeking a direction against the first and second respondents to consider the representation of the petitioner dated 13.12.2021.

2. The petitioner appears to have a long standing dispute with the third respondent. A suit in O.S.No.257 of 2021 had been filed by the petitioner which is now pending before the District Munsif Court, Madurai Town in Madurai and that suit had been filed for injunction with respect to a pathway measuring one foot in width and 10 feet in length and also for removal of shed. That suit is still pending.



3. The petitioner had also filed Interlocutory Application for appointment of Advocate Commissioner and also for interim injunction. In the meanwhile, the petitioner had given a representation stating that the second respondent should not register any document pertaining to the house of the petitioner including the pathway. If once the suit has been filed, it is only appropriate that the petitioner includes all reliefs in the said suit, otherwise the petitioner would not be able to include any other relief and the subsequent suit would also be hit under Order 2 Rule 2 of CPC. Therefore, the petitioner having already filed the suit should take up that as the base litigation and include necessary defendants and include necessary reliefs. A separate Writ Petition in this regard, is only superfluous.

4. Heard Mr.D.Ghandiraj, learned Special Government Pleader who also stated that the representation given does not contain actual details and as on date no documents are pending before the second respondent and there are also no details regarding the same.

5. The Writ Petition stands dismissed. No orders can be passed. Let the petitioner work out his remedies in the pending suit. The petitioner is given ample opportunity and liberty to implead necessary defendants and include necessary reliefs in the District Munsif Court provided the same is within the pecuniary jurisdiction of the said Munsif Court. The observations in this order is only for a limited purpose of giving quietus to the present Writ Petition.

6. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs.

Sd/-

Assistant Registrar(T & P)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Nsr

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 Deputy Registrar,
Combined Building,
Department of Registration,
Othakadai,
Madurai.

2.The Sub-Registrar,
Arasaradi,
Madurai.

+1 CC to M/s.SPL.GP (SR-2805[F] dated 28/01/2022)

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nsn(CO)
TR(11.02.2022) 3P 4C