



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.02.2022

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WEB COPY

THE HONOURABLE MR.JUSTICE **C.V.KARTHIKEYAN**

W.P (MD) No.2089 of 2022
and
W.M.P (MD) No.1791 of 2022

Krishnamurthy .. Petitioner

Vs.

- 1.The Sub Registrar,
Office of the Sub Registrar,
Kattuputhur, Thottiyam Taluk,
Tiruchirappalli District.
- 2.The Tahsildar,
Thottiyam Taluk,
Thottiyam Taluk Office,
Tiruchirappalli District.
- 3.The Village Administrative Officer,
Kattuputhur Village,
Kattuputhur, Thottiyam Taluk,
Tiruchirappalli District.

4.Sannasi .. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus forbearing the 1st respondent from registering and releasing any document of sale or any encumbrance executed and presented by the 4th respondent or his men or agent in favour of any third parties with regard to the property measuring 5.09 cents in Re-Survey No.486/2A and UDR Patta No.512 Survey No.486/2A2 situated at Nagaiyanallur Village, Thittiyam Taluk, Kattuputhur Sub Registration District, Tiruchirappalli Registration District and consequently restraining the 2nd respondent from effecting any name transfer of patta or other revenue records with regard to the above said property and pass such further or other orders.

For Petitioner : Mr.M.Kannan

For Respondents 1 to 3 : Mr.S.Kameswaran,
Government Advocate.



ORDER

Mr.S.Kameswaran, learned Government Advocate, takes notice for the respondents 1 to 3.

2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents 1 to 3. In view of the order which is going to be passed, I am not issuing notice to the fourth respondent.

3.There is a land dispute between the petitioner and the fourth respondent, which necessitated the petitioner to institute a suit in O.S.No.428 of 2021, which is pending on the file of the learned First Additional District Judge (PCR), Tiruchirappalli. The relief sought for in the said suit was for specific performance in respect of a sale agreement, which is said to be dated 30.09.2015. In the said suit, the petitioner has also filed I.A.No.1 of 2022 seeking that the land should not be alienated. It is stated that, in the meanwhile, the fourth respondent had presented a document before the first respondent and the document has not been registered owing to non-compliance of formalities as required by the first respondent.

4.The relief sought for in the present writ petition is for a mandamus restraining the first respondent from registering and releasing any document of sale or encumbrance executed and presented by the fourth respondent. Such a direction cannot be given. However, the first respondent is under obligation, if at all any document relating to Survey No.486/2A and UDR Patta No.512, Survey No.486/2A2 measuring 5.09 cents, situated at Nagaiyanallur Village, Thottiyam Taluk, Kattuputhur Sub Registration District, Tiruchirappalli Registration District, is presented for registration by the fourth respondent, then the first respondent should issue notice to the petitioner herein and if there is any protest, hear both the parties and take a concrete decision to register or not to register. It is only advisable for the petitioner herein places a protest petition before the first respondent in the aforesaid lines.

5.With the above observations, this Writ petition stands disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-

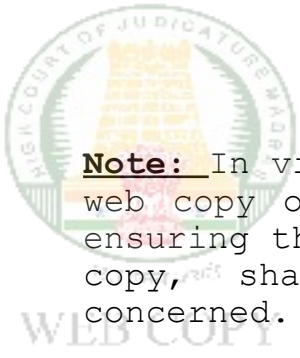
Assistant Registrar(T & P)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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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 Sub Registrar,
Office of the Sub Registrar,
Kattuputhur, Thottiyam Taluk,
Tiruchirappalli District.
- 2.The Tahsildar,
Thottiyam Taluk,
Thottiyam Taluk Office,
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- 3.The Village Administrative Officer,
Kattuputhur Village,
Kattuputhur, Thottiyam Taluk,
Tiruchirappalli District.

+1 CC to M/s.M.KANNAN, Advocate (SR-3811[F] dated 02/02/2022)

+1 CC to M/s.SPL.GP (SR-3960[F] dated 03/02/2022)

ORDER MADE IN
W.P(MD)No.2089 of 2022
and
W.M.P(MD)No.1791 of 2022
02.02.2022

sr(CO)
TR(14.02.2022) 3P 6C