



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.03.2022

CORAM:

THE HONOURABLE **MR. JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.3975 of 2022

and

W.M.P.[MD]No.3413 of 2022

WEB COPY

M.Bhuvaneswari

... Petitioner

/Vs./

1. The District Registrar,  
District Registrar Office,  
Madurai District, Madurai.

2. The Sub Registrar,  
Sub Registrar Office,  
Thirupparankundram,  
Madurai District.

3. S.Vijayalakshmi

4. V.Kiruthiga

5. S.Vionth

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the 2<sup>nd</sup> respondent in his proceedings No.08/2022 dated 21.02.2022 and consequently restraining the 2<sup>nd</sup> respondent to register the document vide Doc No.964 of 2003 dated 31.03.2003 registered before the 2<sup>nd</sup> respondent office.

For Petitioner

: Mr.K.Sivabalan

For R1 & R2

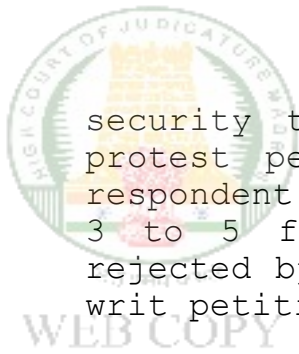
: Mr.J.John Rajadurai

Government Advocate

**ORDER**

This writ petition has been filed challenging the order dated 21.01.2022 passed by the second respondent rejecting the protest petition given by the petitioner requesting the official respondents not to register any document pertaining to the properties owned by the respondents 3 to 5.

2.It is the case of the petitioner that she has lent money to the respondents 3 to 5, which was not repaid by them. She has already filed a civil suit in O.S.No.38 of 2022 before the learned Principal District Judge, Madurai seeking for recovery of a sum of Rs.11,44,433/- together with interest and costs. In the said suit, she has filed an interlocutory application in I.A.No.22 of 2022 seeking for a direction to the respondents 3 to 5 to furnish



security to the extent of the suit claim. She has submitted a protest petition to the second respondent requesting the second respondent not to register any document presented by the respondents 3 to 5 for registration. The said protest petition has been rejected by the second respondent, which is under challenge in this writ petition.

3. Heard Mr.K.Sivabalan, learned Counsel for the writ petitioner and Mr.J.John Rajadurai, learned Government Advocate, who accepts notice on behalf of the official respondents.

4. The petitioner has not alleged any fraudulent transaction on the part of the respondents 3 to 5. Her only contention is that the respondents 3 to 5 owed money to her and to deprive dues payable to the petitioner, they are attempting to alienate the properties. The petitioner has filed a civil suit in O.S.No.38 of 2022 before the learned Principal District Judge, Madurai and in the said suit, she has filed an interlocutory application in I.A.No.22 of 2022 seeking for a direction to the respondents 3 to 5 to furnish security. The said suit and the Interlocutory application are still pending. She has also parallelly submitted a protest petition to the second respondent as stated supra, which has been rejected, which is under challenge in this writ petition.

5. Having filed a civil suit, the only remedy available to the petitioner is to approach the very same civil Court, where the civil suit is pending for an interim injunction restraining the respondents 3 to 5 from encumbering the properties. Instead of approaching the civil Court, the petitioner has parallelly given a protest petition to the second respondent, which has been rightly rejected by the second respondent on the ground that the petitioner will have to approach the civil Court for the relief sought for in the protest petition.

6. This Court does not find any error in the impugned order. Therefore, this writ petition is disposed of by granting liberty to the petitioner to approach the civil Court in the manner known to her under law for the relief that she has sought for in the protest petition against the respondents 3 to 5. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (RECORDS)

// 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 District Registrar,  
District Registrar Office,  
Madurai District, Madurai.

2. The Sub Registrar,  
Sub Registrar Office,  
Thirupparankundram,  
Madurai District.

+1 CC to M/s.K.SIVABALAN, Advocate ( SR-9959[F] dated 04/03/2022 )

+1 CC to M/s.SPL GP ( SR-10573[F] dated 08/03/2022 )

order made in  
**W.P. [MD]No.3975 of 2022**

Dated:  
**04.03.2022**

\_SS/22.03.2022 : 3P/5C