



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.06.2022

CORAM:

THE HONOURABLE DR JUSTICE G.JAYACHANDRAN

W.P. (MD) No.10644 of 2022
and W.M.P (MD)No.7728 of 2022

M.Ramanathan

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Karambakudi Taluk,
Pudukottai District.

2.The Special Tahsildar,
Karambakudi Taluk,
Pudukottai District.

3.The Sub Registrar,
Sub Registrar Office,
Karambakudi,
Pudukottai District.

4.V.Kokilambal

5.V.Manikandan

... Respondents

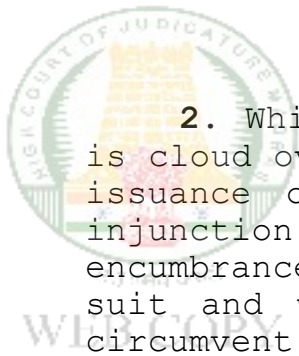
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the third respondent to consider the petitioner's petition No.15/2022 dated 02.03.2022 and 29.2022 dated 10.05.2022 in respect of S.Nos.347/1, 351, 344/19, 350/5 and 354/6 Karambakudi Village, Karambakudi Taluk, Pudukottai District till the disposal of the suit in O.S.No.161 of 2021 on the file of the Principal District Court, Pudukkottai.

For Petitioner
For R1 to R3

: Ms.S.Mahalakshmi
: Mr.C.Satheesh
Government Advocate

O R D E R

The petitioner herein has already filed a suit in O.S.No.161 of 2011 on the file of the Principal District Munsif Court, Pudukottai seeking declaration and mandatory injunction in respect of properties morefully mentioned in the schedule. While the suit is pending, he has approached this Court seeking mandamus that the Sub-Registrar of Karambakudi, Pudukottai District should not register any document pertaining to the Survey Nos.347/1, 351, 344/19, 350/5 and 354/6 in Karambakudi Village, Karambakudi Taluk, Pudukottai District, which is the subject matter of the suit.



2. While the writ petitioner has no title as on date and there is cloud over the title, he has sought for declaration of title and issuance of the patta. He also prayed for an order of interim injunction restraining the private respondents from creating any encumbrance over the property. The petitioner has to pursue the said suit and work out his remedy before the Civil Court. He cannot circumvent the procedures and legal process by filing a Writ Petition invoking Article 226 of the Constitution of India.

3. In view of the above, this Writ Petition is dismissed. The petitioner is at liberty to workout his remedy before the Civil Court, where the suit filed by him is pending.

4. While dismissing the writ petition, it is also pertinent to record that *pendente lite*, any transfer of property is always subject to the provision of Transfer of Property Act and the writ petitioner need not apprehend that transfer of the property pending the suit will affect his right. The dismissal of the writ petition is without prejudice to any of the right to be agitated before the suit pending. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Vacation Officer

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

CM/Ogy

To

1.The Revenue Divisional Officer,
Karambakudi Taluk,
Pudukottai District.

2.The Special Tahsildar,
Karambakudi Taluk,
Pudukottai District.

3.The Sub Registrar,
Sub Registrar Office,
Karambakudi,
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+1 CC to M/s.SPL.GP (SR-24254[F] dated 02/06/2022)

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