



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.06.2022

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD) No.11456 of 2022
and
W.M.P. (MD) No.8143 of 2022

Arunachalam

... Petitioner

Vs.

1.The District Registrar,
Sivagangai District,
Sivagangai.

2.The Joint Sub-Registrar No.1,
Karaikudi,
Sivagangai District.

3.Sahaya Mary

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to forbearing the respondents No.1 and 2 from registering any deed and document in respect of the petitioner's property bearing S.No.21/5 admeasuring about 1 acre 11 cents situated at Kandanur Village, Karaikudi Taluk, Sivagangai District or any part thereof by the 3rd respondent.

For Petitioner : Mr.V.Kannan
For Respondents : Mr.K.S.Selvaganesan,
Addl. Government Pleader for R1 & R2
Mr.D.Nallathambi for R3

ORDER

Heard the learned counsel on either side.

2.The case of the petitioner is that the registering authority must not entertain any document from the third respondent. According to the petitioner, he had availed loan from the third respondent and mortgaged the subject property. According to the petitioner, even though the document has been styled as a sale deed, it was only a mortgage. The petitioner would produce a copy of the statement said to have signed by the third respondent to show the real nature of the transaction.



3.It is possible that the case projected by the petitioner is true. But then, it is only the jurisdictional civil Court that can adjudicate the issue after hearing the third respondent. It is not possible for this Court to grant any relief in writ proceedings. The encumbrance register maintained by the second respondent shows the name of the third respondent as title holder. Therefore, the third respondent cannot be restrained from dealing with the property. That apart, even before filing of the writ petition, it is stated that third respondent had already sold the property in favour of one Ramasamy, S/o.Subbiah on 26.05.2022 under a registered sale deed. Thus, the writ petition became infructuous at the inception.

4.Leaving open the rights of the writ petitioner, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/07/2022

Sub Assistant Registrar(CS)

ias

To:

1.The District Registrar,
Sivagangai District,
Sivagangai.

2.The Joint Sub-Registrar No.1,
Karaikudi,
Sivagangai District.

+1 CC to M/s.V. KANNAN, Advocate (SR-27027[F] dated 21/06/2022)

+1 CC to M/s.D. NALLATHAMBI, Advocate (SR-27232[F] dated 21/06/2022)

+1 CC to M/s.SPL.GP (SR-27173[F] dated 21/06/2022)

**W.P(MD)No.11456 of 2022
20.06.2022**

KS (CO)
GC (04.07.2022) 2P 6C