



W.P.(MD)No.13890 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.07.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.13890 of 2022

Selvi

... Petitioner

Vs

1.The District Collector,
Virudhunagar District.

2.The Revenue Divisional Officer,
Aruppukottai Taluk,
Virudhunagar District.

3.The District Registrar,
Virudhunagar District.

4.The Sub Registrar,
Aruppukottai Taluk,
Virudhunagar District.

5.R.Muniasamy

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the fourth respondent not to register any document if presented by the fifth respondent till the disposal of the appeal in Na.Ka.C4/22985/2022 before the Appellate Authority, the first respondent.



For Petitioner : Mr.P.Paranthaman

For Respondents : Mr.K.S.Selvaganesan
Additional Government Pleader for R.1 to R.4

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Additional Government Pleader appearing for the respondents 1 to 4.

2. The petitioner is the daughter of the fifth respondent. The fifth respondent had settled the petition mentioned property in favour of the writ petitioner. Later he moved the Maintenance Tribunal and got it cancelled. The cancellation order passed by the Maintenance Tribunal has been entered in the encumbrance certificate. Aggrieved by the order of the Maintenance Tribunal, the petitioner had moved the District Collector. The apprehension of the petitioner is that even before the District Collector disposes of the appeal, her father may alienate the property. Therefore, the petitioner wants this Court to restrain the registering authority from registering any document presented by their father till the disposal of the appeal by the first respondent.

3. The reliefs sought for in this writ petition is in the nature of an interim relief. It has held in the Hon'ble Supreme Court reported in ***AIR 1952 SC 12 (State of Orissa Vs. Madan Gopal Rungta)*** that final relief to be granted in the



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writ petition cannot be in the nature of an interim relief. Therefore, the writ prayer itself is not maintainable. That apart, the petitioner has to necessarily move the jurisdictional civil Court for enforcing the rights against the fifth respondent. So long as there is no restraint order passed by the jurisdictional Court, the registering authority is at liberty to act in the manner known to law. This writ petition is not maintainable and it stands dismissed.

4. I make it clear that the outcome of the writ petition will not have any bearing on the pending appeal proceedings before the first respondent. I make it clear that I have not gone into the merits of the matter. All the rights of the petitioner are left open. The petitioner is at liberty to move the jurisdictional civil Court for appropriate relief. No costs.

01.07.2022

Index : Yes / No
Internet : Yes/ No
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Note: Issue Order Copy on 04.07.2022.

To

1.The District Collector,
Virudhunagar District.



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G.R.SWAMINATHAN, J.

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