



W.P(MD)No.6830 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22.09.2022**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.6830 of 2014

Tamilarasi

... Petitioner

Vs.

The Sub Registrar,
Karaikudi Sub Registrar Office,
Karaikudi,
Sivagangai.

... Respondent

2.A.Singarathammal

3.A.Samikannu @ Kaliyappan

4.V.Vijayalakshmi

5.T.Padmini

6.M.Dhanalakshmi

... Proposed Respondents

*(Respondents 2 to 6 are impleaded vide Court order, dated
27.07.2016 in M.P(MD)No.1 of 2014)*

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondent to exercise his authority to implement the order passed in I.A No.116 of 2013 in O.S No.31 of 2008 by the Sub Court, Devakottai by not entertaining any transaction in respect of the suit properties and thus render justice.



W.P(MD)No.6830 of 2014

For Petitioner : M/s.P.Sesubalan Raja

For R-1 : M/s.K.S.Selvaganesan
Additional Government Pleader

For R-2, R-3, R-5 & R-6 : No appearance

For R-4 : Mr.A.Ramesh

ORDER

The present Writ Petition has been filed seeking a Writ of Mandamus, directing the first respondent to exercise his authority to implement the order passed in I.A.No.116 of 2013 in O.S.No.31 of 2008 on the file of the Subordinate Court, Devakottai.

2. According to the learned Counsel for the petitioner, she has filed O.S.No.31 of 2008 for the relief of partition and separate possession. Pending the said suit, an order of interim injunction has been granted in I.A.No.116 of 2013, not to alienate the properties. However, in violation of the said injunction order, the defendants in the suit are continuously alienating the properties and the documents are being registered by the first respondent herein. Hence, the present writ petition has been filed, seeking a direction to the first respondent, not to register



W.P(MD)No.6830 of 2014

any such document, in view of the interim injunction granted in I.A.No. 116 of 2013.

3. A preliminary decree has been passed in O.S.No.31 of 2008 on 28.10.2016. Hence, the order in I.A.No.116 of 2013 has got terminated on 28.10.2016. Hence, the question of directing the Sub-Registrar to implement the order in I.A.No.116 of 2013 at this point of time does not arise. According to the learned Counsel for the petitioner, the defendants in the suit have filed a first appeal, challenging the preliminary decree and the same is pending on the file of the Principal District Judge, Sivagangai, in A.S.No.21 of 2017. The petitioner is at liberty to approach the said Appellate Court for any interim order relating to an injunction, not to alienate the properties. The petitioner is also at liberty to register the preliminary decree in O.S.No.31 of 2008. In case, if the preliminary decree is presented for registration, the same shall be registered on payment of necessary charges, without any reference to limitation.



W.P(MD)No.6830 of 2014

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4. With the above said observations, the writ petition stands disposed of. There shall be no order as to costs.

22.09.2022

Index : Yes / No
Internet : Yes / No
btr

To

The Sub Registrar,
Karaikudi Sub Registrar Office,
Karaikudi,
Sivagangai.



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W.P(MD)No.6830 of 2014

R.VIJAYAKUMAR, J.

btr

Order made in
W.P(MD)No.6830 of 2014

22.09.2022