



W.P(MD)No.18135 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 02.11.2022

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.18135 of 2015

and

M.P(MD)No.1 of 2015

Radha

... Petitioner

Vs.

1.The Sub Registrar,
Registration Department,
Keelerajakularaman,
Virudhunagar District.

2.Alagarsamy Naicker
3.V.Ramar
4.N.Velayutha Raja
5.V.Ramya Vikashini

... Respondents

(Respondent Nos.2 & 3 are impleaded vide Court order, dated 19.01.2016 in W.M.P(MD)No.892 of 2016)

(Respondent Nos.4 and 5 are impleaded vide Court order, dated 18.10.2022 in W.M.P(MD)No.7728 of 2016)

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the respondent vide proceedings No.1/2015, dated 02.09.2015 and quash the



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same and consequently direct the respondent to register the sale deed, dated 31.08.2015, presented by the petitioner in respect of the property comprised in Survey No.144/1 measuring an extent of 0.28.50 Ares situated at Arasiarpatti Village, Rajapalayam Taluk, Virudhunagar District.

For Petitioner : M/s.T.Lajapathi Roy
for M/s.S.Rajasekar

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

For R-2 & R-3 : M/s.V.Muthuvelan

For R-4 & R-5 : M/s.M.Thirunavukkarasu

ORDER

The present Writ Petition has been filed challenging an order passed by the first respondent herein, under which, the sale deed presented for registration by the writ petitioner was returned on the ground that the petitioner is not purchasing the property from the owners of the property, whose names are reflected in the encumbrance certificate.

2. According to the learned Counsel for the petitioner, the first respondent cannot go into the title and hence, the order impugned in the writ petition is not sustainable.



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3. The learned Additional Government Pleader appearing for the first respondent herein brought to the notice of the Court that the petitioner had already initiated O.S.No.277 of 2016 on the file of the Sub Court, Srivilliputhur for the relief of specific performance and mandatory injunction. In the said suit, the first respondent herein is the ninth defendant. The learned Counsel for the petitioner submits that he would await for the verdict in the said civil suit and thereafter, approach the first respondent for registration of the documents.

4. In view of the above said facts, the writ petition is closed with liberty to the writ petitioner to ventilate all his grievances in the civil suit.

5. With the above said observations, the writ petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

02.11.2022



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Index : Yes / No
Internet : Yes / No
btr

To

The Sub Registrar,
Registration Department,
Keelerajakularaman,
Virudhunagar District.



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R.VIJAYAKUMAR, J.

btr

Order made in
W.P(MD)No.18135 of 2015

02.11.2022