



W.P.(MD).No.4853 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 09.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.4853 of 2015

and

M.P(MD) No.1 of 2015

Mahesh Kannan

... Petitioner

-VS-

1. The Sub Registrar,
Pullambadi Sub Registrar's Office,
Pullambadi,
Lalgudi Taluk,
Tiruchirappalli District.

2. Ramanathan

.... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus forbearing the first respondent from receiving any documents namely sale deed, sale agreements, mortgage deeds in respect of the Vellanur Karuppudayan Chatram Trust properties comprised in SF 89 AC.3.35, SF 91/1A Ac.1.62, SF 91/1C Ac.1.00 SF No. 91/1B Ac.1.40, SF 91/1D Ac.1.60, SF 93/1A Ac.0.59 and SF 93/1D Ac.0.51



W.P(MD).No.4853 of 2015

totalling to an extent of Ac.10.07 cents situated in Nanjai Sangenthi Village, Lalgudi Taluk, Tiruchirappalli District and also the property comprised in SF.No.198/A situated at Edangimangalam Village, Lalgudi Taluk, Tiruchirappalli District measuring to an extent of Ac.12.93 cents in any manner whatsoever.

For Petitioner : Mr.K.S.Shankar Murali
For R-1 : Mr.K.S.Selvaganesan
Additional Government Pleader
For R-2 : Mrs.J.Anandhavalli

ORDER

The present Writ Petition has been filed seeking a writ of Mandamus forbearing the first respondent from receiving any documents to be presented by the second respondent herein in relation to certain survey numbers for an extent of 10.07 Acres.

2. According to the learned counsel for the petitioner, the property belongs to a trust and the same cannot be sold out by the second respondent.



W.P(MD).No.4853 of 2015

WEB COPY

3. The learned counsel appearing for the second respondent brought to the notice of this Court, that the writ petitioner had already filed a suit in O.S.No.474/2012 on the file of the Sub Court, Tiruchirappalli, which was transferred to Sub Court, Lalgudi and renumbered as O.S.No.589 of 2012. In the said suit the second respondent herein is the first defendant.

4. A perusal of the averments made in the said plaint will clearly disclose that the first defendant in the said suit (the second respondent herein) had already sold out the property in favour of the defendants 9 to 13 therein. The said suit has been filed for a declaration that the properties are trust properties and to recovery of possession from the purchasers. The petitioner herein also sought for permanent injunction restraining the defendants from further alienating or encumbering the property.

5. According to the learned Counsel for the second respondent, the said suit was dismissed for default on 06.11.2019. The writ petitioner herein had filed an I.A.No.1 of 2021 to condone the delay of 449 days in restoring the said suit. The said application was also dismissed for default on 09.08.2021.



W.P(MD).No.4853 of 2015

WEB COPY

6. The learned counsel for the second respondent further contended that the present Writ Petition has been filed in the year 2015. Even on the date of filing the Writ Petition, the properties have already been sold out by the second respondent herein in favour of various third parties and hence the prayer sought for in the Writ Petition was not maintainable.

7. The learned Additional Government Pleader appearing for the first respondent herein pointed out that the registration of the documents, being a statutory function, the first respondent cannot be prevented by way of Mandamus from registering any documents, unless prohibited under Section 22-A or 22-B of Registration Act.

8. The present Writ of Mandamus is not maintainable, in view of the fact that on the date of filing of the Writ Petition, already the second respondent has sold out the properties in favour of the third parties.



W.P(MD).No.4853 of 2015

WEB COPY

9. In view of the above said facts there are no merits in the Writ Petition and hence this Petition is dismissed. However, the writ petitioner is at liberty to pursue his remedy before the competent civil Court, if he is so advised. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

09.11.2022

Index : Yes / No
Internet : Yes / No
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To

1. The Sub Registrar,
Pullambadi Sub Registrar's Office,
Pullambadi,
Lalgudi Taluk,
Tiruchirappalli District.



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W.P(MD).No.4853 of 2015

R.VIJAYAKUMAR,J.

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W.P.(MD)No.4853 of 2015

09.11.2022