



W.P.No.12284 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.12284 of 2023
and
W.M.P.No.12123 of 2023

Y.G.Srinivasan

...Petitioner

Vs.

1.The Sub Registrar,
Purasawalkam,
Chennai – 600 007.

2.Nachiappan.

..Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the 1st respondent from registering any deed of sale in respect of Plot No.21 and 34, Golden Complex, 1st Sector, Mahakavi bharathi Nagar, Vyasarpadi, Chennai- 600 039 in Survey No.715 /1 part Permbur Village, Purasawalkam Taluk, Chennai District pursuant to petitioner's representation dated 06.03.2023.

For Petitioner : Mr.G.Appavu

For R1 : Mr.S.Ravichandran
Additional Government Pleader



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ORDER

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The relief sought for in the present writ petition is to forbear the 1st respondent from registering any deed of sale in respect of Plot No.21 and 34, Golden Complex, 1st Sector, Mahakavi Bharathi Nagar, Vyasarpadi, Chennai- 600 039 in Survey No.715 /1 part Permbur Village, Purasawalkam Taluk, Chennai District pursuant to the representation submitted by the petitioner on 06.03.2023.

2. The petitioner states that he is a retired employee from Southern railway. The Tamil Nadu Housing Board allotted Plot No.21 to Mr.J.D.Jayakumar on 19.01.1988.

3. The learned counsel for the petitioner states that the petitioner entered into an agreement with the 2nd respondent/Mr.Nachiappan on 21.02.2007 for the purchase of two plots from the 2nd respondent.

4. Admittedly, there is a dispute exists and a Civil Suit was filed by the 2nd respondent/Mr.Nachiappan in O.S.No.1714 of 2010. The petitioner also filed a Civil Suit for injunction in O.S.No.1393 of 2010. On receipt of the summons, the 2nd respondent / Mr.Nachiappan filed a Suit for Recovery



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of Possession and damages of Rs.80,000/- in O.S.No.1714 of 2010. By a common judgment dated 11.04.2014, the suit for injunction filed by the writ petitioner was dismissed and the suit filed by the 2nd respondent for recovery of possession and damages was partially decreed. The petitioner preferred an appeal against the partial decree and the stay was granted. The Execution Petition in E.P.No.1250 of 2015 was filed and with the help of police, the possession was taken by the 2nd respondent/Mr.Nachiappan on 07.05.2015.

5. After taking possession, the 2nd respondent is now attempting to sell the property to some third party. Under those circumstances, the petitioner submitted an application to the 1st respondent / Sub-Registrar, Purasawalkam, not to register deed of sale. Since the application was not taken into consideration, the petitioner is constrained to file the present writ petition.

6. Admittedly, a Civil Suit instituted by the petitioner for injunction was dismissed. The suit filed by the 2nd respondent was partially decreed. The second respondent by filing Execution Petition, had taken possession of the subject property. Under those circumstances, the petitioner, instead of further agitating the matter through the competent Civil Court of law, has



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chosen to file this writ petition by merely sending a representation to the 1st respondent / Sub-Registrar.

7. What the petitioner wanted could not be done, now he is attempting to prevent the 2nd respondent from selling his properties by filing an application to the 1st respondent and such a modus adopted by the petitioner at no circumstances be appreciated by the Courts. The trend of approaching the High Court under Article 226 of the Constitution of India to resolve the civil disputes cannot be entertained. All such civil disputes are to be resolved through the competent Civil Court of Law by way of complete adjudication based on the documents and evidences including the oral evidences. Such nature of writ petitions filed in order to prevent the onus of the property by sending a representation and filing a writ petition cannot be entertained and by directing the authorities to consider the representation, the petitioner will be back again to the Court. Such a direction would do no service to the cause of justice.

8. The parties have to approach the competent Courts for the purpose of resolving the issues and such tactical approach by filing a writ petition under Article 226 of the Constitution of India is not maintainable.



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9. Thus, this Court is not inclined to entertain the writ petition and more so, the private disputes in respect of the immovable property cannot be dealt with by the High Court in a writ proceedings.

10. With these observations, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

24.04.2023

Index : Yes
Speaking order
Neutral Citation: Yes
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To

1. The Sub Registrar,
Purasawalkam,
Chennai – 600 007.



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S.M.SUBRAMANIAM, J.

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