



WEB COPY

W.P.No.28218 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.28218 of 2016

and

W.M.P.No.24364 of 2016

Mariadassou Philomene Dominique
Marie Anthoinette
W/o Jesudoss Arokiasamy
rep. by her Power Agent
Mr.Jesudoss Arokiasamy
S/o Arokiasamy
Both are residing at
No.93, Montorsier Street
Puducherry.

... Petitioner

Vs.

1.The District Registrar
Registration Department
Saram, Puducherry 605013.

2.Tmt.Francis Marie Philomen
Veronique Shanguina
rep. by Power Agent
Francis Arsene Jocelyn
No.89, Kandappa Street
Puducherry.

... Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, forbearing the 1st respondent from registering any document submitted by the 2nd respondent pertaining to the property in Door No.91, Montorsier Street, Puducherry (at T.S.No.169, R.S.No.239 Pt. Old No.55, Ward-D, Block No.13).

For Petitioner	: Mr.S.P.Sudalaiyandi
For R1	: Mr.Ramasamy Meiyappan Government Advocate [Puducherry]
For R2	: Dr.G.Krishnamurthy

ORDER

The relief sought for in the present writ petition is to forebear the 1st respondent from registering any document submitted by the 2nd respondent pertaining to the property in Door No.91, Montorsier Street, Puducherry (at T.S.No.169, R.S.No.239 Pt. Old No.55, Ward-D, Block No.13).

2. The learned counsel for the petitioner mainly contended that the 2nd respondent had illegally constructed a building and based on the complaint given by the petitioner actions were initiated and the portion of the illegal construction were demolished.



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3. That part, the petitioner filed a civil suit in O.S.No.39 of 2011 for declaration, recovery of possession and for injunction. The Suit was also decreed in favour of the writ petitioner and more specifically, the 2nd respondent is the defendant in the Suit.

4. That being the factum, the petitioner is at liberty to approach the 1st respondent or the competent authority for the purpose of securing any further relief, if required under the provisions of law. However, this Court cannot grant any such relief as such sought for, since it requires adjudication of disputed facts.

5. With these observations, the Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

16.03.2023

Jeni
Index : Yes
Speaking order
Neutral Citation : Yes



To

The District Registrar
Registration Department
Saram, Puducherry 605013.

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WEB COPY

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S.M.SUBRAMANIAM, J.

Jeni

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