



W.P.No.28636 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.10.2023

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

W.P.No.28636 of 2023

T.S.Manivannan

... Petitioner

Vs.

1. The Inspector General of Registration,
Registration Department,
No.100, Santhome High Road,
Mylapore,
Chennai – 600 004.

2. The District Registrar,
Registration Department,
Tiruvallur,
Tiruvallur District – 602 001.

3. The Sub Registrar,
Office of the Sub Registrar,
Poonamallee,
Chennai – 600 056.

4. P.Suvarna

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus or any other writ, or direction in the nature of writ, directing the third respondent to cancel the registered sale deed dated 25.01.2017 executed by the Subordinate Judge, Poonamallee, on behalf of the petitioner in favour of the fourth respondent and registered as Document No.356 of 2017 dated 10.02.2017 on the file of the Sub Registrar Office, Poonamallee.

For Petitioner : Mr.P.L.Thulasidass

For R1 to R3 : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

The Writ Petition has been filed to issue a Writ of Mandamus, to direct the third respondent to cancel the registered sale deed dated 25.01.2017 executed by the Subordinate Judge, Poonamallee, on behalf of the petitioner in favour of the fourth respondent and registered as Document No.356 of 2017 dated 10.02.2017 on the file of the Sub Registrar Office, Poonamallee.



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2. It is the contention of the learned counsel for the petitioner is that the fourth respondent filed a suit for specific performance against the petitioner and others in O.S.No.231 of 2012 on the file of the Subordinate Court, Poonamallee and the said suit was decreed and execution petition in E.P.No.59 of 2015 was filed by the fourth respondent. E.P proceedings was allowed in favour of the fourth respondent. The petitioner filed E.A.No.98 of 2017 in E.P.No.59 of 2015 and brothers and sisters of the petitioner filed E.A.No.101 of 2017 in E.P.No.59 of 2015 on the file of the Subordinate Court, Poonamallee. All the applications were dismissed by the Subordinate Court, Poonamallee and aggrieved over the same, the petitioner and others has filed the Revision Petition in C.R.P.Nos.2787 to 2789 of 2018. This Court allowed said Civil Revision Petitions and directed the defendants to file a written statement before the court below and directed the trial court to dispose the suit on merits within a period of six months and also the suit in O.S.No.231 of 2012 has been reverted back to the file of the Subordinate Court, Poonamallee for fresh trial. Based on the abovesaid order, the petitioner made representation dated 30.04.2023 before the



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respondents 1 to 3 to cancel the registered sale deed executed on 25.01.2017 by the Subordinate Judge, Poonamallee on behalf of the petitioner herein in favour of the fourth respondent.

3. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the official respondents and perused the materials available on record.

4. Admittedly, the civil suit is pending before the trial court. This Court has already directed the trial court to dispose the suit within a period of six months from the date of receipt of copy of the order. Instead of proceeding the suit, the petitioner has given the representation before the respondents. Further, this Court allowed the Revision Petition on 02.11.2022 and the petitioner made a representation before the respondents on 30.04.2023 and now the present writ petition has been filed in the month of October 2023. The petitioner has not stated anything about either the status of the suit or the outcome of the suit, since the time granted by this Court to dispose of the suit is already



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expired. At this juncture, the petitioner is not entitled to get the relief as sought for in this writ petition. Since the petitioner has not come out with the present status of the suit, this Court is not inclined to give any direction as claimed by the writ petitioner.

5. Under the facts and circumstances, the Writ Petition is dismissed. However, the petitioner is at liberty to work out his remedy in the manner known to law after the disposal of the suit in O.S.No.231 of 2012 on the file of the Subordinate Court, Poonamallee. No costs.

05.10.2023

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Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No



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To

1. The Inspector General of Registration,
Registration Department,
No.100, Santhome High Road,
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P.VELMURUGAN, J.

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