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W.P.No.27352 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.27352 of 2023

K.S.Yaswant Kumar

...Petitioner

Vs

1.The Inspector General of Registration,
No.100, Santhome High Court,
Chennai – 600 023.

2.The District Registrar,
District Registrar Office,
Eraniyan 3rd Street,
Annai Sathya Nagar,
Rangampalayam, Erode – 638 009.

3.The Sub-Registrar,
Avalpoondurai, Erode Road,
Erode District – 635 115.

4.S.Harikumaran

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the third respondent herein forthwith to consider and to dispose of the petitioner's representation dated 14.07.2023 and received by the third respondent herein on 16.07.2023 regarding the objection to register any document pertaining to the suit



mentioned property described in O.S.No.379 of 2020 on the file of the I
Additional District Court, Erode till disposal of the above said suit.

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For Petitioner : Mr.S.N.Amarnath
for Mr.E.Shanmugasundaram

For R1 to R3 : Mr.G.Krishna Raja
Additional Government Pleader.

ORDER

The relief sought for in the present writ petition is to direct the third respondent to consider and dispose of the petitioner's representation dated 14.07.2023 regarding the objection to register any document pertaining to the suit mentioned property described in O.S.No.379 of 2020 on the file of the I Additional District Court, Erode.

2.The petitioner filed the present writ petition in order to achieve his goal which he is unable to achieve through the civil suit. Erroneous exercise of powers in a writ jurisdiction would cause prejudice to the interest of either of the parties. Civil litigations cannot be brought under the writ jurisdiction since civil adjudication requires verification of original documents and evidence. Trial natured proceedings cannot be conducted in a writ



proceedings and therefore, the Writ Court has to exercise the power of judicial review within the permissible limits.

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3.The power of judicial review of the High Court under Article 226 of the Constitution of India is to ensure the processes through which a decision has been taken by the competent authorities in consonance with the statutes and rules in force but not the decision itself. Therefore, any attempt made to bring the civil disputes in a writ jurisdiction at no circumstances be encouraged and the same will lead to an anomalous situation causing prejudice to the parties to adjudicate the issues on merits based on the documents and evidences.

4.In the present case, admittedly a civil suit between the parties is pending in O.S.No.379 of 2020.

5.The learned counsel for the petitioner states that the I Additional District Court, Erode is not functioning as no Judicial Officer has been appointed for about two years.



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6. On verification from the Registry, High Court of Madras, it is brought to the notice of this Court that the learned Sessions Judge, Fast Track Mahila Court, Erode is in-charge Judge for the I Additional District Court, Erode. That being the factum, the petitioner is at liberty to file an appropriate petition for speedy disposal of the Interlocutory Application atleast.

7. Civil Courts are undoubtedly overburdened. High Court cannot mechanically issue direction to the District Courts to dispose of the suits which may not be possible for the Judges. Every Judge in the District Court has to regulate the cases on their Board so as to ensure speedy disposal of the cases. It is the discretionary power of the Judge to regulate the cases on Board and the directions if frequently issued by the High Court to dispose of the case expeditiously, the same may not be possible. Moreover, there is a possibility of non-cooperation either by the learned counsel appearing on behalf of the parties or by the litigants itself.

8. There are frequent complaints that the Trial Court lawyers are seeking adjournment on flimsy grounds. If the lawyer is of an opinion that the Judge is not suitable or inconvenient to them, they seek adjournments



frequently by way of forum shopping. This being the practice followed in the District Courts even a direction will be a futile exercise and the Judge in the District Court may not be in a position to dispose of the cases.

9.Co-operation of the lawyers and litigants are of paramount importance for speedy and effective disposal of cases. One way or the other, the litigants and the lawyers are protracting the litigation for personal gains or to achieve their goal in an indirect manner. If the practice is allowed to be continued, then this Court is afraid that the principles of justice is diluted.

10.Thus the District Courts are expected to avoid and refuse adjournment on flimsy grounds. Any such adjournment sought for is to be rejected by recording reasons and adjournments are to be granted only if the reasons are genuine and by recording the same. Frequent adjournments if granted would result in favouring anyone of the party to the litigation. The balanced approach even in grant of adjournments are of paramount importance. Therefore, the Judges are expected to be vigilant in granting adjournments unnecessarily and merely based on the representation on flimsy grounds.



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11.The present writ petition has been filed in view of the fact that the petitioner is unable to secure the relief in the civil suit. The disputed issues of civil nature cannot be adjudicated in a writ proceedings. Therefore, the petitioner is at liberty to move an interlocutory application for the purpose of securing the remedy in the manner contemplated.

12.With this liberty, the writ petition stands disposed of. No costs.

19.09.2023

cse

Index:Yes/No

Speaking order/Non-speaking order

Neutral Citation:Yes/No



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