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W.P.(MD)NO.1025 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.01.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.1025 of 2023 and
W.M.P.(MD)No.965 of 2023

S.Thamim Nisha

... Petitioner

Vs.

1. The District Registrar,
Ramanathapuram District,
Ramanathapuram.

2. The Sub Registrar,
Sub Registrar Office,
Sayalkudi,
Ramanathapuram District.

3. Syed Ibrahimsha

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Na.Ka.No.10/2023 dated 09.01.2023 passed by the second respondent and quash the same as illegal and consequently direct the respondents not to register any deed in respect of the property comprised in Survey No.576/5B, patta no.1214, to an extent of 4360 Sq.ft. situated at S.Tharaikudi Group and Village, Kadaladi Taluk, Ramanathapuram District.



For Petitioner : Mr.K.Sivabalan

For R-1 & R-2 : Mr.S.Shanmugavel,
Additional Government Pleader.

* * *

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Additional Government Pleader appearing for respondents 1 and 2.

2. The petitioner submitted a representation before the second respondent demanding that any document that may be presented by the third respondent in respect of the petition mentioned property should not be registered. The petitioner's request was not accepted by the second respondent. The impugned proceedings dated 09.01.2023 have been issued to that effect. Challenging the same, the present writ petition came to be filed.



3. The learned counsel appearing for the writ petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to quash the impugned proceedings and grant the relief as prayed for.

4. I am not persuaded by the submissions of the learned counsel appearing for the petitioner. As rightly pointed out by the learned Additional Government Pleader appearing for the respondents, all that the impugned order states is that as and when the document has been submitted by the third respondent, if it is in order, it will be registered. This stand taken by the second respondent cannot be faulted. If the writ petitioner apprehends that her civil rights may be infringed, it is always open to the petitioner to move the jurisdictional civil Court and get an order of interim injunction against the registering authority as well as the third respondent. If any such suit is filed, it shall be numbered immediately and if the petitioner seeks any interim relief, the same shall be disposed of on merits and in accordance with law as expeditiously as possible by the jurisdictional civil Court.



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5. With these observations and granting liberty to the petitioner to move the jurisdictional civil Court, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

20.01.2023

NCS : Yes / No
Index : Yes / No
Internet : Yes/ No

PMU

To:

1. The District Registrar,
Ramanathapuram District,
Ramanathapuram.
2. The Sub Registrar,
Sub Registrar Office,
Sayalkudi,
Ramanathapuram District.



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G.R.SWAMINATHAN,J.

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