



W.P(MD)No.1899 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.02.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.1899 of 2023

1.C.Muthumari
2.Suriya Lakshmi

... Petitioners

Vs

- 1.The District Collector,
SH – 44, District Collectorate Campus,
Sulakkarai,
Virudhunagar,
Virudhunagar District.
- 2.The Assistant Director,
Department of Survey,
SH-44, District Collectorate Campus,
Sulakkarai,
Virudhunagar,
Virudhunagar District.
- 3.The Assistant Director,
Department of Survey,
SH-44, District Collectorate Campus,
Sulakkarai,
Virudhunagar,
Virudhunagar District.
- 4.The District Registrar,
Department of Registration,
Office of the District Registrar,
Virudhunagar District.



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5.The Sub Collector,
Sivakasi, Sub Division,
Sivakasi Taluk,
Virudhunagar District.

6.The Tahsildar,
Office of the Tahsildar,
Sivakasi, Sub Division,
Sivakasi Taluk,
Virudhunagar District.

7.The Sub Registrar,
Office of the Registrar Office,
Office of the Tahsildar,
Sivakasi Taluk,
Virudhunagar District.

8.The Head Surveyor,
Office of the Tahsildar,
Sivakasi Taluk,
Satchiya Puram,
Virudhunagar District.

9.Sivamuthu
10.G.Uma
11.G.Ananthi

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 4 to 7 not to register the schedule property which is situated in the S.No. 1544, 1545/1, 1537/1B, 1538/4B, 1549, 1537/2, 1545/5A, 1546, 1551 at Injar Village, Sivakasi Taluk, Virudhunagar District till the disposal of partition suit in O.S.No.51/2021 on the file of Additional District Court, Virudhunagar and consecutively direct the fourth respondent to cancel the Doc.No.13/2022, 18/2022, 1954/2016, 1953/2016 and 3259/2016 by considering the petitioner's representation dated 18.01.2023.



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For Petitioners : Mr.S.M.Ramsiva

For Respondents : Mr.S.Shanmugavel
Additional Government Pleader
for R.1 to R.8

ORDER

Heard the learned counsel appearing for the writ petitioners and the learned Additional Government Pleader appearing for the official respondents.

2.The petitioners want this Court to direct the registering authorities not to register any document in respect of the petition mentioned properties till the disposal of O.S.No.51 of 2021 on the file of the Additional District Court, Virudhunagar. They further want the fourth respondent to cancel the petition mentioned documents by considering their representation. When admittedly the civil Court is seized of the matter, the petitioners can very well obtain relief before the jurisdictional civil Court in the pending suit. The petitioners can very well file an injunction petition for restraining the registering authority. The question of parallely moving the writ Court during pendency of the suit does not arise at all. In any event, the first part of the writ prayer is interim in nature. It is well settled that such a interim relief cannot be granted under Article 226 of Constitution of India.



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3. Granting such liberty to move the trial Court, the writ petition is dismissed. If the petitioners file any Interlocutory Application in the pending suit seeking relief now sought for, the same shall be disposed of on merits and in accordance with law as expeditiously as possible. There shall be no order as to costs.

01.02.2023

Index : Yes / No

Internet : Yes / No

NCC : Yes / No

MGA

To

1. The District Collector,
SH – 44, District Collectorate Campus,
Sulakkarai, Virudhunagar, Virudhunagar District.
2. The Assistant Director, Department of Survey,
SH-44, District Collectorate Campus, Sulakkarai,
Virudhunagar, Virudhunagar District.
3. The Assistant Director, Department of Survey,
SH-44, District Collectorate Campus,
Sulakkarai, Virudhunagar, Virudhunagar District.
4. The District Registrar, Department of Registration,
Office of the District Registrar, Virudhunagar District.
5. The Sub Collector, Sivakasi, Sub Division,
Sivakasi Taluk, Virudhunagar District.
6. The Tahsildar, Office of the Tahsildar, Sivakasi, Sub Division,
Sivakasi Taluk, Virudhunagar District.



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7.The Sub Registrar, Office of the Registrar Office,
Office of the Tahsildar, Sivakasi Taluk,
Virudhunagar District.

8.The Head Surveyor, Office of the Tahsildar,
Sivakasi Taluk, Satchiya Puram, Virudhunagar District.



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G.R.SWAMINATHAN, J.

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