



W.P(MD)No.2374 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.02.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.2374 of 2023

and

W.M.P.(MD)No.2160 of 2023

S.Sersha

Vs.

... Petitioner

- 1.The District Registrar,
O/o. The District Registrar Office,
Periyakulam,
Theni District.
- 2.The Sub Registrar,
O/o. The Sub Registrar Office,
Uthamapalayam,
Theni District.
- 3.The Revenue Divisional Officer,
O/o. The Revenue Divisional Office,
Uthamapalayam,
Theni District.
- 4.The Tahsildar,
Uthamapalayam,
Theni District.
- 5.The Surveyor,
Taluk Office,
Uthamapalayam,



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Theni District.

6.S.Mohammed Usman

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to restrain the respondents 1 to 5 from acting in any manner to alienate / encumber / assign and survey any part of lands in Survey Nos.412/1, 412/3A, 412/4A situated at Pottipuram Village, Uthamapalayam Taluk, Theni District till the disposal of enquiry conducted by the second respondent under Sections 82 and 83 of the Registration Act, 1908.

For Petitioner : Mr.J.Pandi Dorai

For Respondents : Mr.N.Satheeskumar
Additional Government Pleader for R1 to R5

ORDER

Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 to 5.

2. The prayer in the writ petition cannot be granted. The petitioner wants this Court to restrain the sixth respondent from dealing with the property. Such a relief cannot be granted in writ proceedings. The petitioner will have to file a civil suit and get an order of injunction against the sixth respondent. Then and then alone, the registering authority can be called upon not to register any document in respect of the subject matter. It appears that the petition filed by the petitioner is pending before the first respondent.



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3. The first respondent is directed to dispose of the same on merits and in accordance with law after notice to the sixth respondent and other interested persons if any and pass final order within a period of twelve weeks from the date of receipt of a copy of this order.

4. With this direction to the first respondent, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

07.02.2023

Index : Yes / No
Internet : Yes/ No
rmi

To

1. The District Registrar,
O/o. The District Registrar Office,
Periyakulam,
Theni District.
2. The Sub Registrar,
O/o. The Sub Registrar Office,
Uthamapalayam,
Theni District.
3. The Revenue Divisional Officer,
O/o. The Revenue Divisional Office,
Uthamapalayam,
Theni District.
4. The Tahsildar,
Uthamapalayam,
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5.The Surveyor,
Taluk Office,
Uthamaplayam,
Theni District.

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