



W.P.(MD)No.4940 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 12.10.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.4940 of 2021
and
W.M.P.(MD)No.4013 of 2021

K.Gandhi

... Petitioner

vs.

1.The District Registrar,
Office of the District Registrar,
Pudukkottai District.

2.The Sub Registrar,
Office of the Sub Registrar,
Kulathur Sub Registration Office,
Pudukkottai District.

3.The Revenue Divisional Officer,
Office of the Revenue Divisional Office, Srirangam.

4. Packialakshmi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 2nd respondent herein not to entertain any documents in respect of S.No.18/7 punja land measuring an extent of 3.67.5 Hectares equal to 5 Acres 80 cents situated at Mathur Village, Kulathur Taluk, Pudukkottai District.



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For Petitioner	:Mr.B.Jameel Arasu
For R1 to R3	:Mr.K.S.Selvaganesan
	Additional Government Pleader
For R4	:Mr.S.Suresh Kumar Isaac Paul

ORDER

This Writ Petition has been filed seeking for issuance of Writ of Mandamus directing the second respondent not to entertain any documents with respect to the subject property in S.No.18/7 measuring an extent of 5 Acres 80 cents situated at Mathur Village, Kulathur Taluk, Pudukkottai District.

2.Heard Mr.B.Jameel Arasu, learned Counsel for the petitioner, Mr.K.S.Selvaganesan, learned Additional Government Pleader appearing on behalf of the respondents 1 to 3 and Mr.S.Suresh Kumar Isaac Paul, learned Counsel for the fourth respondent.

3.It is seen that the fourth respondent had filed a suit in O.S.No. 192 of 1993 against the petitioner. Initially, an *ex parte* decree was passed. Thereafter, the petitioner had filed an application seeking to set aside the *ex parte* decree with delay. The delay was condoned. The same



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was challenged before this Court by way of filing a Civil Revision Petition. The said Civil Revision Petition was also dismissed as withdrawn on 10.03.2023.

4.The grievance of the petitioner is that the petitioner is taking steps to contest the suit and in the meanwhile, the fourth respondent is attempting to alienate the subject property by presenting documents for registration before the second respondent. In view of the same, the present Writ Petition has been filed for a direction to the second respondent not to entertain any documents.

5.It is brought to the notice of this Court that apart from the dispute before the Civil Court, there was also a dispute before the revenue authorities. An order was passed by the District Revenue Officer, dated 07.08.2023, wherein, the parties were directed to workout their remedies before the Civil Court and the the proceedings were closed.

6.In the considered view of this Court, the relief sought for in this



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Writ Petition is not sustainable. A Writ Court can never be approached for getting an interim order, when the substantial relief between the parties is pending before the competent forum. The law on this issue is now too well settled. Therefore, this Court is not inclined to grant the relief as sought for by the petitioner. The parties will have to agitate their disputes only before the concerned civil forum in accordance with law.

7. With the above observations, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No
Internet : Yes
NCC : Yes/No

12.10.2023

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N.ANAND VENKATESH, J.

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