



W.P.(MD)No.9622 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.10.2023

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CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.9622 of 2021

K.Vijayapandian

... Petitioner

Vs.

1.The Deputy Inspector General of Registration,
DIG of Registration Officer,
Integrated Complex of Registration Department,
TNAU Nagar, Rajakampeeram,
Y.Othakadai , Madurai -107.

2.The Sub - Registrar,
Kodaikanal,
Dindigul District.

3.Saravanakumar

4.Kannan

...Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing 1st Respondent to direct and advice the 2nd Respondent to avoid registration of any kind of unnecessary and illegal encumbrance whatever presented for registration by the Respondents 3 and 4 directly or through their power agent in respect of the property measuring 1.13.50 Hectares of 2.80 Acres comprised in Survey No. 2301 Vilpatty Village Kodaikanal Taluk during pendency of the Civil Suit in OS.No.69/2019 on the file of the District Munsif, Kodaikanal on the basis of the Petitioners representation dated 23.03.2021.



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For Petitioner : Mr.I.Sam Jegan
For R1 & R2 : Mr.D.Farjana Ghoushia
Special Government Pleader

ORDER

This Writ Petition has been filed for the issue of writ of mandamus directing the second respondent not to entertain any documents presented for registration by the third and fourth respondents with respect to the subject property in view of the pendency of the suit in O.S.No.69 of 2019 on the file of the District Munsif Court, Kodaikanal.

2.The case of the petitioner is that he is the absolute owner of the subject property. Since the fourth and fifth respondents were attempting to create encumbrance over the property, the petitioner filed O.S.No.69 of 2019 before the District Munsif Court, Kodaikanal seeking for the relief of declaration and for other consequential reliefs. Even during the pendency of the suit, the third and fourth respondents were attempting to create more encumbrances. In view of the same, the petitioner made a representation to the second respondent not to entertain any documents with regard to the subject property. Since the same was not acted upon, the present writ petition has been filed before this Court.



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3. Heard the learned counsel for the petitioner and the learned Special Government Pleader for the first and second respondents.

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4. In the considered view of this Court, the writ Court cannot be used for getting interim orders, when the substantive dispute is pending before the appropriate forum. In the instant case, the suit filed by the petitioner is pending in O.S.No.69 of 2014 before the District Munsif Court, Kodaikanal. If, during the pendency of the suit, the third and fourth respondents are attempting to alienate the property, the petitioner has to seek for an interim order before the same Court. The writ jurisdiction cannot be entertained parallelly for the sake of getting interim relief and the law is well settled on this score. In view of the same, it is left open to the petitioner to file an appropriate application before the trial Court and seek for an interim order to restrain the third and fourth respondents from alienating the subject property. Except giving this liberty, no further orders can be passed in this petition.

5. Accordingly, this Writ Petition is disposed of on the above terms.

No costs.

17.10.2023

NCC : Yes / No

Index : Yes/No

Internet : Yes/No

<https://www.mhc.tn.gov.in/judis>



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N.ANAND VENKATESH, J.

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To

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