



W.P(MD)No.10253 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 31.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.10253 of 2022 and
WMP(MD) Nos.4525 of 2023 & 7282 of 2022

Solairamadoss.T.N.K

... Petitioner

Vs

- 1.The Inspector General of Registration,
Mylapore,
Chennai.
- 2.The Deputy Inspector General of Registration,
Department of Registration (South Zone),
Rajakambeeram,
Othakkadaai,
Madurai.
- 3.The District Registrar,
District Registration Office,
Madurai North,
Rajakambeeram,
Othakkadaai,
Madurai.
- 4.The Sub Registrar,
Office of Joint No.1 Madurai North,
Rajakambeeram,
Othakadaai,Madurai.



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5.Santha.S
6.Solairamadoss.B.R
7.Dhanalakshmi
8.Pandiarajan
9.Sivasubramanian

Respondents

(R8 & R9 impleaded as per the order of this Court in WMP(MD) No.4525 of 2023 in WP(MD) No.10253 of 2022 by BPJ)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents not to register the property pending before the fourth respondent as pending document No. 29/2022 and 30/2022 filed by the respondents 5, 6, and 7 as per the petitioner's representations dated 27.09.2021, 22.04.2022 and 08.05.2022.

For Petitioner	:Mr.R.Ramasamy
For R1 to R4	:Mrs.D.Farjana Ghoushia Special Government Pleader
For R5	:Mr.R.Devaraj
For R6 & R7	:Mr.K.Hema Karthikeyan
For R8 & R9	:Mr.C.Goldwin

ORDER

The petitioner has raised certain objections with regard to document submitted by the respondents 5 to 7 in favour of one Pandiarajan and Sivasubramanian, the respondents 8 & 9 herein that



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the suit for partition is pending between the parties before the competent civil Court in O.S.No.11 of 2011 and has also filed this writ petition for a Mandamus directing the respondents 1 to 4 not to register the Document No. 29/2022 and 30/2022 filed by the respondents 5,6 & 7 by considering his representation dated 08.05.2022.

2.The learned counsel appearing for the petitioner requests to adjourn this case stating that the seventh respondent and his son is no more and therefore, the legal heirs have to be impleaded as necessary parties.

3.The learned counsel appearing for the proposed respondents 8 & 9 have filed an application in WMP(MD) No.4525 of 2023 to implead them as respondents in this writ petition that they are affected by way of this document. Therefore, **WMP(MD) No.4525 of 2023 is ordered.**



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4.The learned counsel for the remaining respondents have requested this Court to pass an order to dispose of the suit in O.S.No.11 of 2011 pending on the file of the I Additional District Court, Madurai.

5.The official respondents have also filed a counter affidavit that the suit in O.S.No.11 of 2011 is filed by the fifth respondent, before the I Additional District Court, Madurai, for the relief of partition as against 31 defendants including this petitioner and the respondents 6 & 7. In the said suit, the fifth respondent has sought for various reliefs that she is entitled for 1/5 share in the suit properties. The suit appears to be pending from the year 2011. By referring the pendency of the suit, the petitioner, who is one of the defendants in the suit has filed an objection petition before the Sub Registrar and filed this writ petition for a direction not to register the documents filed by the respondents 5 to 7.



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6.Considering the request made by the respondents that there shall be a direction to the civil Court to dispose of the civil suit which is pending from the year 2011 and on the undertaking given by them that they would co-operate for an early disposal of the suit, this Court without expressing anything on the merits of the claim of the petitioner and the respondents, this writ petition is disposed of with a direction to the I Additional District Court, Madurai to dispose of the suit in O.S.No.11 of 2011 as expeditiously as possible, preferably within a period of six months from the date of receipt of a copy of this order. The petitioner and the defendants/respondents are expected to co-operate for the early disposal of the suit. The petitioner is at liberty to work out his remedy in the above civil suit. No costs. Consequently, connected Miscellaneous Petition in WMP(MD) No.7282 of 2022 is closed.

31.07.2023

NCC : Yes / No.
Index : Yes / No.
Internet: Yes
vrn



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B.PUGALENDHI, J.

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Order made in
W.P(MD)No.10253 of 2022 and
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