



W.P(MD)No.14130 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.06.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.14130 of 2023

and

W.M.P(MD)No. 11980 of 2023

Aravali

... Petitioner

Vs.

1.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai.

2.The District Registrar,
The office of the District Registrar,
Thoothukudi District.

3.The Sub Registrar,
Pudukottai,
Thoothukudi District.

(R4 is deleted vide Court order dated
16.06.2023)

4.Selvakumar

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, by directing the 2nd and 3rd respondents not to permit the 5th respondent from having a registration



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documents to be done in respect of the property referred to in Item No. 2 of the sale agreement dated 13.12.2017 executed by the 5th respondent in Survey No. 355/1, Sawyerpuram Village, Thoothukudi District on the strength of a representation dated 14.03.2023

For Petitioners : Mr.R.Anand
For R1 to R4 : Mr.M.Prakash
Additional Government Pleader

ORDER

Let me dispose of the writ petition even without issuing notice to the fifth respondent. The fourth respondent, Inspector of Police, Sawyerpuram police station, Thoothukudi District, is not required to be heard to decide any of the issues raised in the writ petition. Therefore, the said fourth respondent is deleted. The fifth respondent is re-arranged as the fourth respondent. Registry is directed to carry out necessary amendment before issuing the order copy.

2. The petitioner had entered into an agreement of sale with the fourth respondent Selvakumar. The petitioner had filed a suit seeking specific performance of the said agreement in O.S.No.7 of 2023, which is now pending before the I Additional District Court at Thoothukudi. The petitioner has raised an apprehension that the defendant therein/ fourth respondent herein would take steps to alienate the property.



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3. The fourth respondent is the owner of the property. There is no bar in alienating the property. Mere registration of an agreement would not be bar to convey the property. That aspect is settled in a decision reported in **2020 6 CTC 697 (N.Ramayee vs Sub Registrar, Registration Department, Valapadi, Selam District and another)** by a division bench of this Court. The petitioner claims that she had given an objection to the respondents, particularly, to the third respondent and seeks a mandamus for entering such representation in the relevant records. The petitioner can always seek necessary relief in the suit. A representation is pending on the file of the third respondent. Naturally, the third respondent would discharge official duties and a mandamus need not be issued on that ground unless there is a refusal to do the official duty. The writ petition has been filed more out of apprehension than out of any real cause.

4. This writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition stands closed.

16.06.2023

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

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C.V.KARTHIKEYAN, J.



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WEB COPY

To

- 1.The Inspector General of Registration, No.100, Santhome High Road, Chennai.
- 2.The District Registrar, The office of the District Registrar, Thoothukudi District.
- 3.The Sub Registrar, Pudukottai, Thoothukudi District.

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