



W.P.(MD)No.18603 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 02.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.18603 of 2023

and

W.M.P.(MD)No.15433 of 2023

P.Radha @ Radhakrishnan

... Petitioner

versus

1. The Sub-Registrar,
Tallakulam Sub-Registrar Office,
Integrated Sub-Registrar's Office,
Rajakambeeram,
Y.Othakkadai,
Madurai.

2. S.Manjula

3. S.Irudhayadass

4. N.Venkateswari

5. S.Abdul Rahman

... Respondents

Writ Petition filed under Article 226 of the Constitution of India,



W.P.(MD)No.18603 of 2023

seeking for the issuance of Writ of Mandamus, forbearing the first respondent, his men, agents and those who are all claiming under the petitioner from in anyway entertaining any registration of documents in respect of the property in Resurvey No.185/1B1H, Plot No.14 with an extent of 2 ½ cents situate in Madhakoil Main Road, K.Pudur, Madurai.

For Petitioner : Mr.P.Gunasekaran

For R1 : Ms.D.Farjana Ghoushia,
Special Government Pleader

ORDER

The case of the petitioner is that the property in Resurvey No. 185/1B1H, Plot No.14 to an extent of 2 ½ cents with tiled house is the ancestral property of his father Pitchai @ Narayaswamy. After the death of his father, he and his son one Srinivasan were in joint possession of the property. Thereafter, he filed a suit for partition against his son in O.S.No.88 of 2010 before the learned II Additional Subordinate Judge, Madurai. Pending the suit, the petitioner's son



W.P.(MD)No.18603 of 2023

Srinivasan alienated the property in favour of respondents 2 to 5 herein and they were also impleaded as defendants in the suit. The said suit was disposed of by judgment and decree dated 07.07.2014. As against the same, the respondents 2 to 5 filed appeal suits in A.S.Nos.32 of 2014, 5 of 2015 and 9 of 2018 on the file of the learned Principal District Judge, Madurai, which were allowed on 13.04.2018. Challenging the same, the petitioner preferred second appeal before this Court in S.A.(MD)No.589 to 591 of 2020 and the same were dismissed on 01.03.2022, against which, he preferred a Special Leave Petition before the Hon'ble Supreme Court in SLP (c) No. 9554-9556/2022 and the same was also dismissed on 12.07.2022. Now, the petitioner filed a review application in Diary No.28789/2023, which is pending. In the meantime, the respondents 2 to 5 attempted to make encumbrances in the property. Therefore, the petitioner filed a protest petition on 25.05.2023 before the first respondent requesting him not to entertain any registration in respect of the above said property. Since there was no response, the petitioner is before this



W.P.(MD)No.18603 of 2023

Court.

WEB COPY

2. It appears that the petitioner has lost upto the Hon'ble Supreme Court in SLP (c) No.9554-9556/2022, however, he filed a review application as against the order passed by the Hon'ble Supreme Court. This Court, by simply referring to the review application pending before the Hon'ble Supreme Court, cannot issue a direction to the first respondent not to register any document for the property in Resurvey No.185/1B1H, Plot No.14 with an extent of 2 ½ cents situated in Madhakoil Main Road, K.Pudur, Madurai. In the event, if the petitioner succeeds in the review application, he can work out his remedy in the manner known to law, by referring to the order passed in the review application.

3. Accordingly, this writ petition is disposed of with liberty to the petitioner to work out his remedy in the manner known to law, if he succeeds in the review application. The petitioner is also at liberty to



W.P.(MD)No.18603 of 2023

work out his remedy under Section 77A of the Registration Act, if he succeeds in the review application. No costs. Consequently, connected miscellaneous petition is closed.

02.08.2023

ogy

NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

To

1. The Sub-Registrar,
Tallakulam Sub-Registrar Office,
Integrated Sub-Registrar's Office,
Rajakambeeram,
Y.Othakkadai,
Madurai.



WEB COPY



W.P.(MD)No.18603 of 2023

B.PUGALENDHI, J.

ogy

W.P.(MD)No.18603 of 2023

02.08.2023