



W.P.(MD)No.17567 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.01.2023

CORAM :

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD)No.17567 of 2016

M.Abdul Kadar

... Petitioner

/Vs./

1.The District Registrar,
Madurai District, Madurai.

2.The Sub Registrar,
Teppakulam,
O/o. the Registration Office (Teppakulam),
No.869, Melur Main Road, Opp. to Jpr Rice Mill,
Othakadai, Madurai-625 107.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second respondent to accept for registration and consequently register any document / deed of conveyance in respect of the petitioner's land in Survey No.36/4, Vandiyur Village, Madurai, presented for registration in light of the order made by this Court in R.Tamil Selvi Vs. The Principal Secretary, MANU/TN/2191/2014 and T.Sundar Vs. The Sub Registrar, 2010 (2) CWC. 159.



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For Petitioner : Mr.M.Mahaboob Athiff
For Respondents : Mr.M.Ramesh
Government Advocate

ORDER

This Writ Petition has been filed seeking for a direction to the second respondent to accept for registration and consequently to register any document / deed of conveyance in respect of the petitioner's land in Survey No. 36/4, Vandiyur Village, Madurai, presented for registration in light of the order made by this Court in the cases of **RTamil Selvi Vs. The Principal Secretary, (MANU/TN/2191/2014)** and **T.Sundar Vs. The Sub Registrar, reported in 2010 (2) CWC. 159.**

2. Heard the learned counsel appearing for the Petitioner and the learned Government Advocate appearing for the respondents.

3. The learned counsel appearing for the petitioner would submit that the petitioner is the owner of the property measuring to an extent of 1 acre 48 cents in S.No.36/4, Vandiyur Village, Madurai and he had also been issued with patta standing in his name by the District Revenue



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Officer, Madurai, which was challenged by one Arulmigu Vinayagar Temple, Vandiyur, through its Fit Person, before this Court in WP(MD)No.10775 of 2016 and this Court, by order dated 29.07.2022 had passed the following order:

“5. In view of the above said facts, the following orders are passed:

(i) The order impugned in the writ petition is sustained.

(ii) The Additional District Court V, Madurai is directed to dispose of O.S.No.150 of 2016 on or before 31.12.2022.

(iii) Thereafter, the petitioner temple is at liberty to approach the revenue authorities for mutation of records in their name depending upon the judgment in O.S.No. 150 of 2016.

(iv) In case, if the private respondents want to alienate the property, which is the subject matter of the suit, there should be a recital in the said document about the pendency of O.S.No.150 of 2016. If there is no such recital in the sale deed, the said sale deed shall be null and void.”

4. In view of the order passed by this Court, particularly, the direction issued in clause (iv) para 5 of the order, the petitioner is at liberty to approach the second respondent herein, who in turn, shall pass



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appropriate orders on merits and in accordance with law, in the light of the order passed by this Court in WP(MD)No.10775 of 2016.

5. With the above liberty, this Writ Petition is disposed of. There shall be no order as to costs.

19.01.2023

NCC : Yes/No
Index : Yes/No
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TO:

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K.KUMARESH BABU, J.

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