



W.P(MD)No.24031 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 04.10.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.24031 of 2023

and

W.M.P(MD)Nos.20181 & 20182 of 2023

S.Palaniraj

... Petitioner

Vs.

1.The District Registrar,
Virudhunagar District,
Virudhunagar.

2.The Authorized Representative,
PACL Limited,
7th Floor, Gopaldas Bhawan,
28, Baragamba Road,
New Delhi – 110 001.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records pertaining to the impugned order in Na.Ka.No.8848/Aa4/2022 dated 31.07.2023 on the file of the first respondent and quash the same.

For Petitioner : Mr.K.Jeyamohan



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For Respondents : Mr.K.Balasubramani
Special Government Pleader
for R.1

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Special Government Pleader appearing for the first respondent. Considering the nature of relief to be granted, issuance of notice to the second respondent is dispensed with.

2. The petition mentioned property was purchased by the writ petitioner on 18.01.2019. The petitioner had applied for the encumbrance certificate before his purchase. The encumbrance certificate did not reflect the restraint order passed by the Hon'ble Apex Court. Since the petitioner had purchased the property that is apparently covered by the Hon'ble Apex Court's direction, the impugned order dated 31.07.2023 came to be passed by the first respondent nullifying the transaction. Since the petition mentioned property is proposed to be auctioned, the petitioner appeared before the Hon'ble Lodha Committee and offered his objections. His objections were overruled on 09.06.2022.



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Challenging the same, the petitioner has filed IA Nos.131043 and 131083 of 2022 in Civil Appeal No.13301 of 2015. The petitioner can very well pursue his remedy before the Hon'ble Apex Court. Merely because the impugned order came to be passed, the petitioner's application will not become infructuous. Since the Hon'ble Apex Court is seized of the matter, it would not be appropriate for me to go into the correctness of the impugned order. I however make it clear that the impugned order will abide by the outcome of the Interlocutory Applications filed by the petitioner before the Hon'ble Apex Court. In other words, the petitioner's rights and title over the petition mentioned property will depend upon the outcome of the said Interlocutory Applications.

3. With this clarification, this writ petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

04.10.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

MGA

To

The District Registrar,
Virudhunagar District,
Virudhunagar.

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and

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