



W.P(MD)No.25279 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 18.10.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.25279 of 2023

and

W.P(MD)No.21475 of 2023

S.Selvam

... Petitioner

Vs.

1.The Inspector General of Registration,
Registration Department,
100, Santhome High Road,
Chennai – 600 028.

2.The District Registrar,
Tirunelveli District,
Tirunelveli.

3.The Sub-Registrar,
Melapalayam Sub-Registrar Office,
Tirunelveli.

4.The Tahsildar,
Palayamkottai Taluk,
Palayamkottai,
Tirunelveli.

5.Sankaralingam

6.Selvi

7.Esakkiammal

1/4



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8.Velammal

9.Palaniappan

10.P.Arumugam Sundar

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 and 2, to take action on the objection given by the petitioner dated 19.04.2022 and 04.10.2023 in respect of the property comprised in Survey No.73/2 measuring 3 acres 79 cents situated in Melakarungulam Village, Palayamkottai Taluk, Tirunelveli District in the light of the circular in Na.Ka.No.39708/C1/2018 dated 04.10.2018 issued by the 1st respondent.

For Petitioner : Mr.R.J.Karthick

For Respondents : Mr.K.Balasubramani,
Spl. Government Pleader for R1 to R4.

ORDER

Heard the learned counsel for the writ petitioner and the learned Special Government Pleader for the respondents 1 to 4.

2.The petitioner's grievance is that the private respondents without any semblance of right or title are alienating and dealing with the petition



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mentioned property. The petitioner has already filed a suit in O.S.No.308 of 2022 on the file of the I Additional District Munsif Court, Tirunelveli. The petitioner has to necessarily workout his rights in the pending suit. It is not possible for the Writ Court to interfere in the matter. It is open to the petitioner to file an interlocutory application in the suit arraying the registering authority as party and obtain relief. It is not necessary that the registering authority must be impleaded in the main suit also. Without doing so, filing of this writ petition appears to be misconceived. I make it clear that I have not gone into the merits of the matter.

3.Granted liberty to the petitioner to file an interlocutory application by making the registering authority as party, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

18.10.2023

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

Issue order copy on 19.10.2023

Note: The Registry to mark a copy of this order to the learned I Additional District Munsif, Tirunelveli.



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G.R.SWAMINATHAN, J.

ias

To:-

- 1.The Inspector General of Registration,
Registration Department,
100, Santhome High Road,
Chennai – 600 028.
- 2.The District Registrar,
Tirunelveli District,
Tirunelveli.
- 3.The Sub-Registrar,
Melapalayam Sub-Registrar Office,
Tirunelveli.
- 4.The Tahsildar,
Palayamkottai Taluk,
Palayamkottai,
Tirunelveli.

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