



W.P(MD)No.26211 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 01.11.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.26211 of 2023

and

W.M.P(MD)No.22564 of 2023

Chellathurai

... Petitioner

Vs.

1.The District Registrar,
Office of the District Registrar,
Pudukkottai District.

2.The Sub Registrar,
Kulathur Sub Registrar Office,
at Keeranoor,
Pudukkottai District.

3.Gandhi

4.Packialakshmi

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the respondents 1 and 2 from in any manner entertaining or registering any documents in respect of the property comprised in S.No.18-7 of an extent



W.P(MD)No.26211 of 2023

of 5.80 acres situated at Mathur Village, Kulathur Taluk, Pudukkottai District by considering the petitioner's representations dated 09.10.2023 and 21.10.2023 within the time stipulated by this Court.

For Petitioner : Mr.S.Vinayak

For Respondents : Mr.M.Prakash
Additional Government Pleader
for R.1 & R.2

ORDER

Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 and 2. Considering the nature of relief to be granted, issuance of notice to the respondents 3 and 4 is dispensed with.

2. The writ petitioner had already filed O.S.No.168 of 2023 on the file of the Sub Court, Keeranur. The respondents 3 and 4 herein are figuring as defendants 1 and 2 in the said suit. The suit prayer is for recovery of money. It is stated that the mortgage has been created in favour of the petitioner by the first defendant. The petitioner's grievance is that the mortgage property is being alienated by the private respondents.



W.P(MD)No.26211 of 2023

3. I am of the view that the petitioner need not have any misgivings. Whatever alienation that may be made by the third respondent is subject to the mortgage created in favour of the writ petitioner. The alienees also cannot claim to be *bona fide* purchasers. The mortgage is a registered transaction. Since the petitioner has already filed civil suit he very well work out his rights in the suit. The Sub Registrar, Kulathur is figuring as the sixth defendant in the suit. The petitioner is permitted to file an Interlocutory Application. If any such Interlocutory Application is filed by the petitioner, the same shall be numbered immediately and disposed of on merits and in accordance with law within a period of three weeks thereafter.

4. With this liberty to the petitioner and direction to the learned Sub Judge, Keeranur, this writ petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

01.11.2023

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

Note: Issue order copy on 01.11.2023.

3/4



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W.P(MD)No.26211 of 2023

G.R.SWAMINATHAN, J.

MGA

To

- 1.The District Registrar,
Office of the District Registrar,
Pudukkottai District.
- 2.The Sub Registrar,
Kulathur Sub Registrar Office,
at Keeranoor,
Pudukkottai District.

Copy to

The Sub Judge, Keeranur.

W.P(MD)No.26211 of 2023
and
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