



W.P(MD)No.27906 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 27.11.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.27906 of 2023

and

W.M.P.(MD)No.24005 of 2023

Thamaraiselvi

... Petitioner

Vs.

1.The Inspector General of Registration,
Santhom Road, Chennai.

2.The District Registrar (Admin),
Madurai District Registration Office,
171, Mahal Road, Madurai District.

3.The Joint Sub Registrar No.4 South,
Madurai South SRO (Palanganatham),
Madurai District.

4.V.R.Nagasubramanian

5.Nalini

6.Varun

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 3rd respondent Not to Register any sale deeds relating to the Sy. Nos.303/16, 303/18, 305/2, 320/10, 325/5A, 338/6, 338/7, 338/8 and

1/4



W.P(MD)No.27906 of 2023

341/1 situated at Madakulam Village in Madurai District till the disposal of the SA (MD) No.710/2012 on the file of this Court.

For Petitioner : Mr.S.Arivalagan

For Respondents : Mr.C.Satheesh,
Government Advocate for R1 to R3.

ORDER

Heard the learned counsel for the writ petitioner and the learned Government Advocate for the respondents 1 to 3. Issuance of notice to the private respondents is dispensed with.

2.The petitioner wants this Court to forbear the third respondent from registering any document pertaining to the petition mentioned survey numbers at the instance of the private respondents.

3.Such a relief cannot be sought in writ proceeding. The petitioner states that the civil dispute is pending between the parties at the stage of second appeal in S.A.(MD)No.710 of 2012. The respondents 4 to 6 are said to be figuring as respondents in the said second appeal. The



W.P(MD)No.27906 of 2023

petitioner can very well file a miscellaneous petition in the pending second appeal and obtain an order for restraining the private respondents herein from alienating the petition mentioned property.

4.As rightly pointed out by the learned Government Advocate for the official respondents, so long as there is no restraint order passed against the registering authority, the registering authority cannot be prevented from discharging his statutory functions. At the same time, the learned Government Advocate on instructions states that the registering authority will definitely bear in mind the statutory and procedural requirements relating to registration of documents.

5.Recording the submission of the learned Government Advocate and granting liberty to the petitioner to workout her rights in the manner known to law, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

27.11.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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3/4



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G.R.SWAMINATHAN, J.

ias

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