



W.P(MD)No.30578 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 21.12.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.30578 of 2023

and

W.M.P(MD)No.26406 of 2023

S.Vasantha

... Petitioner

Vs.

- 1.The District Registrar,
Tenkasi District,
Tenkasi.
- 2.The Sub Registrar,
Alangulam Sub Registrar Office,
Tenkasi District.
- 3.C.Ponnuthaayu
- 4.S.Annakili
- 5.S.Joseph
- 6.S.Arunpandian
- 7.M.Thomas Nadan



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8.N.Anandh

9.M.Selvamani

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the second respondent from releasing the fraudulent settlement deed in Doc.No. 7316 of 2023 dated 12.12.2023 executed by the respondents 3 and 4 in favour of respondents 5 to 9 against the Decree and Judgment made in A.S.No. 57 of 2020 dated 20.09.2021 on the file of the Additional District and Session Judge, Tenkasi confirming the order made in O.S.No.218 of 2015 dated 20.03.2020 on the file of the Additional Sub-ordinate Judge, Tenkasi and to cancel the same by considering the petitioner's representation dated 15.12.2023.

For Petitioner : Mr.K.Dinesh

For Respondents : Mr.V.Nirmal Kumar
Government Advocate for R.1 & R.2

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Government Advocate appearing for the official respondents. Considering nature of relief to be granted, issuance of notice to the respondents 3 to 9 is dispensed with.



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2.The learned counsel appearing for the petitioner took me through the averments set out in the affidavit filed in support of the writ petition and contended that the petition mentioned registration is fraudulent. He wants this Court to restrain the registering authority from releasing the document.

3.The learned Government Advocate appearing for the official respondents points out that when once the registration formalities have concluded, it may not be open to the registering authority to retain the document. I endorse the said contention.

4.The learned counsel for the petitioner thereupon submitted that further alienation should be restrained. This is essentially a relief against private parties. The writ Court should hesitate to grant.

5.However, considering the overall facts and circumstances, the petitioner is given liberty to move the jurisdictional civil Court for appropriate relief. As and when such a suit is filed, it shall be numbered



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immediately. It is also open to the petitioner to file an Interlocutory Application for interim relief. If any such Interlocutory Application is filed, it will be disposed of as expeditiously as possible.

6.The second respondent is restrained from entertaining any document pertaining to the petition mentioned survey number till 31.01.2024. I make it clear that this order will cease to operate from the said date. I make it clear that I have not gone into the merits of the matter. It is for the jurisdictional civil Court to take a call in the matter. Contentions and defenses of the private respondents are also not foreclosed.

7.With this liberty to the petitioner and direction to the second respondent, this writ petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

21.12.2023

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

Note: Issue order copy on 22.12.2023.



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To

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1.The District Registrar,
Tenkasi District,
Tenkasi.

2.The Sub Registrar,
Alangulam Sub Registrar Office,
Tenkasi District.

Copy to:

1.The Additional District and Session Judge,
Tenkasi.

2.The Additional Sub-ordinate Judge,
Tenkasi.



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G.R.SWAMINATHAN, J.

MGA

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21.12.2023