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W.P. No.714 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.714 of 2024 and
W.M.P. No.731 of 2024

Kamarutheen

... Petitioner

Vs.

1. The District Registrar
Office of the District Registrar
Rangampalayam
Erode, Erode District

2. The Sub Registrar
Joint-1,
Office of the Sub Registrar
Rangampalayam
Erode, Erode District

3. The Sub Registrar
Joint-2
Office of the Sub Registrar
Rangampalayam
Erode, Erode District

4. Ainul Malia
5. Pathumuthu Sulthana Nasreen
6. Ayesha Sulthana Shifa
7. Khadeeja Sulthana Almas

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents 2 and 3 to not to



register any documents to be presented by the respondents 4 to 7 in respect of property in R.S.No.38/1, 42/3 and 42/4A situated at Brahmana Periya Agraharam, Erode, more fully mentioned in the schedule of property in O.S.No.481 of 2021 on the file of the II Additional District Court, Erode, till the disposal of the civil suit by considering the petitioner's protest petition dated 07.09.2022.

For Petitioner : Mr.M.Pitchai Muthu

For R1 to R3 : Mrs.V.Yamunadevi
Special Government Pleader

ORDER

This Writ Petition is filed seeking a Writ of Mandamus directing the respondents 2 and 3 to not to register any documents to be presented by the respondents 4 to 7 in respect of property in R.S.No.38/1, 42/3 and 42/4A situated at Brahmana Periya Agraharam, Erode, more fully mentioned in the schedule of property in O.S.No.481 of 2021 on the file of the II Additional District Court, Erode, till the disposal of the civil suit by considering the petitioner's protest petition dated 07.09.2022.

2. The case of the petitioner is that he entered into a sale agreement within Mohammed Meera Rafiq Ali and also paid part of the sale



consideration. While so, the said Mohammed Meera Rafiq Ali died leaving the respondents 4 to 7 herein as his legal heirs who are very well aware of the entire transactions. The petitioner met the respondents 4 to 7 in person on many occasions and conveyed his intention to complete the sale as per the term of sale agreement. However, since they did not respond properly, the petitioner filed a suit in O.S.No.481 of 2021 on the file of the II Additional District Court, Erode, for specific performance and the same is pending. While so, the petitioner came to understand that the respondents 4 to 7 are making efforts to sell the property to third party. Hence, the petitioner sent a legal notice to them on 28.01.2022 and also made a protest petition to the respondents 1 to 3 in person on 07.09.2022 requesting not to register any documents to be presented by the respondents 4 to 7. But the respondents 1 to 3 have not shown any interest to look in to the petitioner's objection. Hence, the present writ petition is filed.

3. Mrs.V.Yamunadevi, learned Special Government Pleader takes notice for the respondents 1 to 3. Since no adverse order is to be passed against the respondents 4 to 7, notice to the respondents 4 to 7 is dispensed with.



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4. Heard and perused the materials available on record.

5. It is seen that the dispute is civil in nature and already a civil suit filed by the petitioner is pending and therefore, this Court is not inclined to entertain this Writ Petition. Further, it is seen that the petitioner has not come to the Court with clean hands.

6. Accordingly, this Writ Petition is dismissed. Consequently, connected Miscellaneous Petition is closed. There shall be no order as to costs.

12.01.2024

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Index : Yes / No

Neutral Citation Case : Yes/No



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P.VELMURUGAN. J.

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