



W.P.No.2384 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 09..07..2024

Coram

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Writ Petition No.2384 of 2023

and

W.M.P.No.2469 of 2023

M/s.Om Sri Vivekananda Educational Trust,  
Rep. by its Chairman – K.Kailasam,  
Having Office at Ramalingapuram,  
Chinna Goundapuram Village,  
Salem Taluk, Salem District.

..... Petitioner

-Versus-

1.The Sub-Registrar,  
Office of the Sub-Registrar,  
Karimangalam,  
Dharmapuri District.

2.P.Mathammal

..... Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus forbearing the 1<sup>st</sup> respondent from registering any document presented by the 2<sup>nd</sup> respondent in respect of the lands to an extent of 1 Acres and 41 Cents comprised in S.F.No.96/4 situated at Kalappannahalli Village, Palacode Taluk, now, Karimangalam Taluk, Dharmapuri District, till the disposal of the suit filed by the 2<sup>nd</sup> respondent in O.S.No.191 of 2014 on the file of the District Munsif Court, Palacode, and the suit filed by the petitioner trust in O.S.No.110 of 2017 on the file of the District Munsif Court, Palacode.



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*For Petitioner : Mr.Kandhan Duraisami*

*For Respondent (s) : Mr.Stalin Abhimanyu,  
Addl. Government Pleader for  
R1  
Mr.G.Mohammed Aseef for R2*

### **ORDER**

This Writ Petition has been filed seeking a writ in the nature of mandamus, forbearing the 1<sup>st</sup> respondent from registering any document presented by the 2<sup>nd</sup> respondent in respect of the lands to an extent of 1 Acres and 41 Cents comprised in S.F.No.96/4 situated at Kalappanahalli Village, Palacode Taluk, now, Karimangalam Taluk, Dharmapuri District, till the disposal of the suit filed by the 2<sup>nd</sup> respondent in O.S.No.191 of 2014 on the file of the District Munsif Court, Palacode, and the suit filed by the petitioner trust in O.S.No.110 of 2017 on the file of the District Munsif Court, Palacode.

2.0 The facts leading to the filing of the present writ petition are as follows:

2.1 The petitioner is an educational trust. It was established in 1994 with the object of imparting education. It runs various professional and arts colleges in Salem and Dharmapuri Districts. In order to establish a new college, the petitioner trust purchased a land measuring an extent of 1 Acre and 41 cents



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in S.F.No.96/4, Kalappanahalli village from one G.K.Selvam and P.Bharani

through a sale deed dated 26.12.2014 registered as Doc.No.1643 of 2014 on the file of the office of the Sub Registrar, Karimangalam. The petitioner trust established a college in the name of 'Sakthikailash Women's College' and there are more than 2000 students pursue their education in the college.

2.2 While so, the 2<sup>nd</sup> respondent filed a suit for partition and declaration against the petitioner trust and others in O.S.No.191 of 2014 on the file of the District Munsif Court, Palacode, claiming share in the lands purchased by the petitioner trust wherein an ex parte judgement and decree was passed on 21.12.2014 against the petitioner trust. Thereafter, the petitioner trust filed an application in I.A.No.1042 of 2017 seeking to set aside the ex parte decree dated 21.12.2016 made in O.S.No.191 of 2014 and the same was allowed by order dated 08.03.2018 and thereby the suit was restored to file. In the meantime, the 2<sup>nd</sup> respondent and her henchmen attempted to disturb the construction of college buildings and hence, the petitioner trust filed a suit in O.S.No.110 of 2017 on the file of the District Munsif Court, Palacode, against the 2<sup>nd</sup> respondent and others for permanent injunction. In the mean time, the petitioner trust came to know that 2<sup>nd</sup> respondent takes steps to sell the property purchased by the petitioner trust on the strength of *ex parte* decree dated



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21.12.2016. Hence, this writ petition.

WEB COPY 3. Heard both sides.

4. On a careful perusal of the averments made in the writ petition, this court is of the view that when a comprehensive suit for partition is admittedly pending in O.S.No.191 of 2014 on the file of the District Munsif Court, Palacode, this court cannot restrain the 1<sup>st</sup> respondent registering authority from registering a document and it is needless to state that petitioner trust can file appropriate application before the District Munsif concerned in the pending suit seeking ad-interim injunction against the private respondents from dealing with the subject property in any manner. It is made clear that if any transfer or sale is made pending disposal of the suit for partition, the same will be subject to the result of the suit and hit by *doctrine of lis pendens*. Thus, no direction as prayed in the writ petition could be granted and the writ petition is liable to be dismissed.

**In the result**, the writ petition is dismissed, however, with the above observations. No costs. Consequently, connected WMP is closed.

Index : yes / no  
Neutral Citation : yes / no  
kmk

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To

1. The Sub-Registrar,  
Office of the Sub-Registrar,  
Karimangalam,  
*Dharmapuri District.*



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N.SATHISH KUMAR.J.,

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