



WEB COPY



WP.No.15228 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.15228 of 2024

S.Syed Mustafa

.. Petitioner

Versus

1. The District Registrar, Registration Department,
District Registration Office,
Namakkal Post, Namakkal District.

2. The Sub Registrar, Registration Office,
KAPAD Road, Pallipalayam Post,
Sangagiri Road, Pallipalayam Post,
Tiruchengode Taluk, Namakkal District.

3. Mubarak Ali

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the first respondent in the order in Muu. Mu. No 8424 / AA1 / 2023 dated 27.03.2024 passed by the first Respondent quash the same and direct the 2nd respondent not to register the document which was presented by the third respondent for registration.

For Petitioner : Mr.S.P.Yuvaraj

For Respondents : Mr.L.S.M.Hasan Fizal
Additional Government Pleader – R1 & R2



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ORDER

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Since no adverse Order is passed against the third respondent, notice to him is dispensed with. With the consent of both sides, this Writ Petition is taken up for final disposal at the admission stage itself.

2. This writ petition is filed to quash the impugned order in Muu. Mu. No 8424 / AA1 / 2023 dated 27.03.2024 passed by the first respondent quash and direct the second respondent not to register the document which was presented by the third respondent for registration.

3. Heard learned counsel for the petitioner and the learned Additional Government Pleader appearing for the first and second respondents and perused the materials available on record.

4. It is the contention of the writ petitioner that the petitioner and the third respondent are brothers they are each entitled to 1.29 acres out of total extent of 5.5 acres. While so, the third respondent has executed a document for 1.80 cent in favour of third party. According to the writ petitioner, he has preferential right to purchase the property. However, the third respondent is inclined to sell the property to a third party. In this regard, the petitioner has



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already filed a suit in O.S.No.38 of 2024 before the Sub Court, Thiruchengode.

During the pendency of the suit, based on the Orders of the first respondent, now the property is sought to be sold to a third party. As his preferential right would affected, the present Writ Petition has been filed seeking to quash the Order of the first respondent.

5. At the outset, this Court is of the view that, if the petitioner has preferential right, he has to file a suit for preferential right. As the suit has already been filed by the petitioner for preferential right, if any transaction takes place during the pendency of the suit, in the event he succeeds, the transfer is always subject to the outcome of the suit. Such being the position, mere direction to the authorities will not serve any purpose. Hence, there is not merits in this Writ Petition.

6. With the above observations, this Writ Petition is dismissed. No costs.

14.06.2024

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Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No



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To,

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N. SATHISH KUMAR, J.

vrc

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