



WP.No.16213 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **24.06.2024**

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.16213 of 2024

E.Velayutham

.. Petitioner

Versus

1. The District Registrar,
O/o.District Registrar, Kallaikurichi District.

2. The Sub – Registrar No.2,
Kallakurichi Joint – II, Kallakurichi District.

3. Suburayapillai

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the 2nd Respondent forbear from registering any document in respect of the suit mentioned properties in respect of comprised in 1) Survey No. 111/1B measuring 0.31 cents out of 0.64 cents 2) Survey No. 133/3 measuring 0.16 cents out of 0.37 cents 3) Survey No. 202/5A measuring 1.66 cents out of 4.66 cents 4) Survey No. 202/5B measuring 0.76 cents out of 2.28 cents 5) Survey No. 212/16 measuring 0.37 cents 6) Survey No. 64/4A measuring 0.19 cents 7) Survey No. 64/5B measuring 0.17 cents out of 0.43 cents 8) Survey No. 158/3A 3B3 measuring 0.33 cents 9) Survey No. 93/2 measuring 0.03 cent 10 Survey No. 158/2 measuring 0.28 cents situated at Siruvangur Village Kallakurichi Taluk and District, pending litigation, based on the petitioner's protest dated



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04.09.2023 before the first and second respondents.

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For Petitioner : Mr.D.Murugan

For Respondents : Mr.P.Anandhakumar
Government Advocate – R1 & R2

ORDER

Since no adverse Order has been 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 direct the second respondent forbear from registering any document in respect of the subject properties situated at Siruvangur Village, Kallakurichi Taluk and District, pending litigation, based on the petitioner's protest dated 04.09.2023 before the first and second respondents.

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

4. The case of the petitioner is that the subject properties have been settled to him by his father and he is in possession and enjoyment of the



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properties. The further case of the petitioner is that the petitioner has filed a suit in O.S.No.49 of 2021 before the Principal District Munsif, Kallakurichi for permanent injunction. While so, one of the suit schedule property has been sold by the third respondent. Therefore, the petitioner gave a representation to the first and second respondents not to entertain any document for registration during the pendency of the suit and the same is pending before them. Hence, the present Writ Petition has been filed for aforesaid relief.

5. At the outset, this Court is of the view that such a direction cannot be issued against the statutory authorities from performing their duties. When the petitioner has already filed a suit and the same is pending, it is for him to work his remedy in the pending suit and if any transfer takes place during the pendency of the suit, it is always subject to the result of the suit. In such view of the matter, I do not find any merits in this Writ Petition.

6. Accordingly, this writ petition is dismissed of. No costs.

24.06.2024

vrc

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



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To,

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1. The District Registrar,
O/o.District Registrar, Kallaikurichi District.
2. The Sub – Registrar No.2,
Kallakurichi Joint – II, Kallakurichi District.



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N. SATHISH KUMAR, J.

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