



WEB COPY



W.P.No.29296 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2024

CORAM

THE HONOURABLE MR. JUSTICE S. SOUNTHAR

W.P No.29296 of 2024

and

WMP.Nos.31942 & 31944 of 2024

N.P.Karunakaran

...Petitioner

Vs.

1. The Sub Registrar Grade - 1,
Thathagapatty, Salem East District,
Salem.
2. Pachiammal
3. Mariammal @ Marimuthu
4. Arumugam
5. Palaniammal @ Dhanam
6. Rani
7. Mallika
8. Vanitha
9. Viswanathan
10. Kannan @ Thitumugan

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiotatified Mandamus, to call for the records made in Na.Ka.No.355/2024 dated 11.09.2024 on the file of First Respondent herein and quash the same as illegal and direct the first respondent not to register any documents of sale or mortgage or any other alienation of the properties



W.P.No.29296 of 2024

bearing Survey No.459/07, Erumapalayam Village, Salem Distrit by the respondents 2 to 10 herein till the disposal of the suit in REP.No.93 of 2019 in O.S.No.76 of 2008 on the file of I additional Sub Judge, Salem.

For Petitioner : Mr. R. Sankarasubbu
For R1 : Mr. B. Vijay
Additional Government Pleader

ORDER

Aggrieved by the order passed by the first respondent on 11.09.2024 rejecting the objection petition filed by the petitioner, the present writ petition is filed.

2. According to the petitioner, the subject property belongs to petitioner's paternal grandmother Pachaiammal. The said Pachaiammal died on 07003.2004 leaving one Poomalai and others as her legal representatives. There is a civil Suit pending between the legal heirs of Pachaiammal in O.S. No. 76/2008. When the suit is pending the private respondents herein, who are also arrayed as a parties in the suit, made an attempt to alienate the property which is the subject matter of the suit. Therefore, the petitioner filed an objection petition to the registering the authority requesting him not to



W.P.No.29296 of 2024

register any document pertain to subject property in Survey No.459/07, Erumapalayam Village, Salem District, till the disposal of the R.E.P No.93 of 2019 in O.S.No.76 of 2008.

3. Admittedly, even as per the averments in the affidavit filed in support of the writ petition, civil suit is pending between the parties in O.S.No.76 of 2008. In such circumstances, the petitioner has to move appropriate application before the civil Court seeking prohibitory order against the private respondents. In such circumstances, this Court is of the view that the first respondent has rightly dismissed the protest petition filed by the petitioner.

4. In view of the above, this court is not inclined to interfere with the order passed by the first respondent. Accordingly, this writ petition is dismissed with liberty to the petitioner to workout his remedy before the pending Civil suit. No costs. Consequently, connected miscellaneous petitions are closed.

01.10.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order



W.P.No.29296 of 2024

S. SOUNTHAR, J.

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To

The Sub Registrar Grade - 1,
Thathagapatty, Salem East District,
Salem.

W.P No.29296 of 2024

01.10.2024