



W.P.No.34842 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2024

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THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.34842 of 2023
and
W.M.P.No.34847 of 2023

Ramasamy

... Petitioner

versus

1. The Sub-Registrar,
Office of Sub Registrar,
Velagoundampatti, Namakkal District.

2. The Panchayet President,
Puthur Keelmugam Panchayet,
Namakkal Taluk and District.

3. Srinivasan

4. Kamalam

... Respondents

Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, forbearing the first respondent herein from registering any document with respect of the property comprised in S.F.No.26/2B2A at Aniyar Village, Velagoundampatti Village, Namakkal



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District, by considering the representation of the petitioner dated 25.11.2023.

For Petitioner : Mr.R.Nalliyappan
For Respondents : Mrs.V.Yamunadevi
Special Government Pleader for R1

Mr.R.Jayaprakash for R2

No appearance for R3 and R4

ORDER

This writ petition has been filed seeking for issuance of a writ of mandamus, forbearing the first respondent herein from registering any document in respect of the property comprised in S.F.No.26/2B2A at Aniyar Village, Velagoundampatti Village, Namakkal District, by considering the representation of the petitioner dated 25.11.2023.

2. The case of the petitioner is that the property comprised in S.F.No.17/2 at Puthur Keelmugam Village belongs to the petitioner and for the said property a public pathway is existing in S.F.No.26/2B2A Aniyar Village, Velagoundampatti Village, Namakkal District. Since the said



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pathway is existing adjacent to the property of respondents 3 and 4, they had taken steps to grab the same and also the adjacent property, which is in possession of the petitioner and thereby, they caused disturbance to the petitioner from using the said pathway. Hence, the petitioner has filed a suit in O.S.No.221 of 2023 before the District Munsif Court, Namakkal for declaration and injunction against the respondents 3 and 4 herein and the same is pending. While that being so, respondents 3 and 4 are trying to alienate the said property to the third parties and hence, the petitioner has filed an objection petition to the first respondents on 25.11.2023 seeking to not to register any document in respect of the subject property. Even though the petitioner made his objection to register any document regarding the subject property, the first respondent is taking steps to register the sale deed and hence, the petitioner is constrained to file the present writ petition.

3. The learned Special Government Pleader appearing for the first respondent by referring to the counter affidavit and contended that the writ petitioner has already filed the suit in O.S.No.221 of 2023 on the file of the District Munsif Court, Namakkal against the respondents 2 to 4 herein for



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the very same relief as sought for in the present writ petition. Pending suit, now the petitioner has filed the present writ petition. She further submitted that the third respondent herein has entered appearance in the said suit and also filed written statement.

4. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the first respondent and the learned counsel appearing for the second respondent and perused the materials available on record.

5. Despite service of notice, respondents 3 and 4 have not chosen to enter appearance either through a counsel or in person.

6. It is seen that the dispute between the parties is civil in nature, which requires factual findings and the Writ Court cannot conduct a roving enquiry regarding the possession and the petitioner has already filed the suit in O.S.No.221 of 2023 against respondents 3 and 4 herein for declaration and injunction and the same is pending. Hence, this Court is not



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inclined to grant any relief as sought for in this writ petition, however, the petitioner is at liberty to work out his remedy in the pending suit in O.S.No.221 of 2023 on the file of the District Munsif Court, Namakkal.

7. Accordingly, this writ petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

23.01.2024

Index: Yes/No
Speaking Order : Yes / No
Neutral Citation Case : Yes/No
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To

1. The Sub-Registrar,
Office of Sub Registrar,
Velagoundampatti,
Namakkal District.
2. The Panchayet President,
Puthur Keelmugam Panchayet,
Namakkal Taluk and District.

Pg.Nos.5/6



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P.VELMURUGAN, J.

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