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W.P.No.36871 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.36871 of 2024

and

W.M.P.No.39834 & 39841 of 2024

A.Nirmala

... Petitioner

Vs.

1.The Sub Registrar
Viurugambakkam, Chennai -600092.

2.R.Jaivijai

3.Paramasivam

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, Calling for the records of the impugned order dated 20.08.2024 in Letter No. 795/SRO, Virugai/2024 passed by the 1st respondent pertaining to returning of the Petitioners objection petition dated 05.07.2024 and quash the same and consequently forbearing the 1st Respondent from registering any documents to be submitted by the 2nd respondent in favour of the 3rd respondent or to any other party pertaining to the subject property



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comprised in S.No. 8/1A1A1A1A1APT, Town Survey No.55/1, Block No.32,bearing Plot No. 169 (part), Southern Portion), situated at Baska Colony, Kamarjar Salai, Virugambakkam, Chennai -600092 measuring an extent of 892.5 sq.ft out of 1785 sq.ft.

For Petitioner : M/s.G.V.Sridharan

For Respondents : M/s.M.Shahjahan, Spl.GP.
for R.1.

ORDER

By filing this Writ Petition for a certiorarified mandamus to quash the order of the 1st respondent and to forbid the 1st respondent from registering the documents in respect of the subject property, the petitioner is attempting to settle a private dispute through Article 226 of the Constitution of India.

2. The petitioner had entered into an unregistered agreement of sale dated 13.05.2024 with the 2nd respondent in respect of the subject property. He had agreed to purchase the same for a sum of Rs.1,25,00,000/- . On the very same day, the petitioner had paid a sum of Rs.10,00,000/- as advance by way of a cheque. After receiving the amount the 2nd respondent had not come forward to execute the sale deed and has been



adopting an evasive stance.

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3. The petitioner would submit that he is ready and willing to perform his part of obligation under the agreement of sale and it is the 2nd respondent who is putting it off under one pretext or the other. On 25.06.2024, the petitioner had issued a notice to the 2nd respondent to come and execute the sale deed which was refused. Despite several attempts, the 2nd respondent did not come forward to perform his part of obligation under the agreement of sale and on the contrary the petitioner came to learn that the 2nd respondent was attempting to alienate the subject property without settling the petitioner's dues. Therefore, she had given an objection petition before the 1st respondent on 05.07.2024. This objection letter dated 05.07.2024 was rejected for the reason that the agreement of sale is unregistered. Therefore, the petitioner is before this Court.

4. Heard the counsel on either side and perused the records.

5. From a perusal of the contents of the affidavit and the document, it is clear that the best remedy available to the petitioner is to file a suit for specific performance and obtain interim orders to prevent further alienation



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of the property. However, without availing the best remedy that is available to the petitioner, the petitioner has moved this Court, seeking the reliefs stated supra, under Article 226 of the Constitution of India. Since the rights of the petitioner can only be decided by the Civil Court, this Writ Petition is not maintainable.

6. Accordingly, the Writ Petition is dismissed. No costs. Consequently, the connected Miscellaneous Petitions are closed.

11.12.2024

(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

To

1.The Sub Registrar

Viurugambakkam, Chennai -600092.

P.T. ASHA. J.,

(shr)



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