



W.P.(MD).No.151 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.01.2024

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.(MD)No.151 of 2024

and

W.M.P.(MD).No.170 of 2024

R.Renganathan

... Petitioner

vs.

1.The Sub Registrar,
Thiruthangal Sub Registrar Office,
Sivakasi Taluk,
Virudhunagar District.

2.Dharbar Raja

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent not to register the sale deed presented by the second respondent in respect of the land situated in S.No.144/1A, Keela Thiruthangal Village, Sivakasi Taluk, Virudhunagar District, by considering the petitioner's written representation, dated 06.12.2023.



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For Petitioner : Mr.A.Chandrakumar
For R1 : Mr.D.S.Nedunchezian
Government Advocate

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus, directing the first respondent not to register the sale deed presented by the second respondent in respect of the land situated in S.No.144/1A, Keela Thiruthangal Village, Sivakasi Taluk, Virudhunagar District, by considering the petitioner's written representation, dated 06.12.2023.

2. By consent of both the parties, this writ petition is taken up for final disposal at the admission stage itself.

3. According to the petitioner, he is a cultivating tenant in the agricultural land situated in S.No.144/1A, which is owned by the second respondent. The said land is cultivated by the petitioner's family for the past three decades. When the second respondent trying to evict him from



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the land by force, he approached the civil Court and filed a suit in O.S.No.89 of 2013 before the learned District Munsif Court, Sivakasi. The suit was set ex-parte and the decree was granted in favour of the petitioner on 20.11.2013 itself. Even though the order of the civil Court stands in favour of the petitioner, the second respondent made an attempt to evict the petitioner. Now, one Mohammed Ali had approached the petitioner and stated that he proposed to purchase the land from the second respondent and demanded the petitioner to evict the land. Therefore, the petitioner has submitted a representation to the first respondent on 06.12.2023, requesting him not to register the sale deed produced by the second respondent. Since the said representation has not been considered, the petitioner has filed the present writ petition.

4. Mr.D.S.Nedunchzian, learned Government Advocate takes notice for the first respondent.

5. On going through the civil Court decree in O.S.No.89 of 2013, it appears that against the defendants viz., N.Dharbar Raja and



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S.V.Mohamed Ali, permanent injunction granted stating that the defendants or their agents or members shall not evict the plaintiff and shall not disturb the tenancy of the plaintiff and there is no decree against the defendants not to sell the said property.

6. That being the case, the petitioner cannot seek any such order restraining the respondents from registering the sale deed presented for sale of the said land. Hence, the prayer sought for by the petitioner cannot be granted and this Writ Petition is dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

05.01.2024

Index: Yes/No
Internet: Yes/No
NCC: Yes/No

akv



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To
The Sub Registrar,
Thiruthangal Sub Registrar Office,
Sivakasi Taluk,
Virudhunagar District.



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V.BHAVANI SUBBAROYAN,J.

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