



W.P.(MD)No.1021 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED 19.01.2024

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THE HONOURABLE **MRS.JUSTICE V.BHAVANI SUBBAROYAN**

W.P(MD)No.1021 of 2024
and
WMP(MD)No.1026 of 2024

G.Selvaraj

...Petitioner

/Vs./

1.The District Registrar,
District Registrar Office,
Cantonment,
Trichy.

2.The Sub Registrar,
Sub Registrar Office,
Thillainagar,
Trichy District.

3.M.Alagu @ Alagarasan

...Respondents

Prayer: Writ Petition - filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus to direct the respondents 1 and 2 not to register any deed in respect of the property comprised in Survey No.52, Block No.7, Ward-D, to an extent of 890 Sq. ft, situated at Door No.24, Telungu Chetti Street, Trichy West Taluk, Trichy District without consent of the petitioner, by considering the petitioner's representation dated 13.12.2023.



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For Petitioner : Ms.R.Yamuna

For Respondents : Mr.M.Senthil Ayyanar (R1 & R2)

Government Advocate

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents 1 and 2 not to register any deed in respect of the property comprised in Survey No.52, Block No.7, Ward-D, to an extent of 890 Sq. ft, situated at Door No.24, Telungu Chetti Street, Trichy West Taluk, Trichy District without consent of the petitioner, by considering the petitioner's representation dated 13.12.2023.

2. Heard the learned counsel appearing for the petitioner and the learned Standing counsel, who takes notice for the official respondents. Since there is no adverse order going to be passed against the third respondent, notice to him is dispensed with. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. The case of the petitioner is that the third respondent borrowed a sum of Rs.3,00,000/- from the petitioner. To that effect, they executed a promissory



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note. Since the third respondent did not repay the money that was borrowed, the petitioner filed a suit in O.S.No.26 of 2021 before the learned Sub Court, Trichy, which is still pending. The subject property originally belonged to the third respondent's father. After his demise, the third respondent is entitled for 1/6th share in the subject property. Suppressing all these facts, the third respondent filed an insolvency petition before the learned Sub Court, Trichy. Therefore, the petitioner made a representation to the second respondent not to register any deed in respect of the subject property. The second respondent issued a letter dated 13.12.2023 stating that the representation cannot be accepted and the Registrar has no authority to refuse registration, since there is no order from the Court. Hence, the petitioner came before this Court with the aforesaid prayer.

4. The learned Government Advocate appearing for the official respondents objects for the aforesaid prayer.

5. Considering the facts and circumstances of the case, the petitioner has every right to file an application for getting an order of interim injunction before the competent civil Court. At this juncture, the petitioner seeking for the aforesaid relief by way of filing this writ petition under Article 226 of the



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Constitution of India is not maintainable and accordingly, this writ petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is dismissed.

19.01.2024

NCC : Yes/No
Index : Yes/No
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TO:-

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V.BHAVANI SUBBAROYAN, J.

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Order made in
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