



W.P.(MD)No.1478 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED 29.01.2024

CORAM

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

W.P(MD)No.1478 of 2024

and

W.M.P(MD)No.1518 of 2024

R.Irulappan

...Petitioner

/Vs./

1.The Tahsildar,
Madurai North Taluka,
Madurai,
Madurai District.

2.The Sub Registrar,
Pothumbu,
Madurai North Taluka,
Madurai – 5.

3.B.Rameshkumar

4.B.Mahesh

...Respondents

Prayer: Writ Petition - filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 and 2 herein not to register any documents or mutate the revenue relating to the lands in Old S.No. 252/2 re S.No. 15/2, to an extent of 73 cents, Old S.No. 253/1A, re S.No. 16/1A, to an extent of 1 acre 82 cents, and Old S.No.253/2A re S.No.16/2A, to an extent of 1 acre 60 cents, totally to an extent of 4 acres 15 cents, situated at Ambalathadi Village, Madurai North Taluka, Madurai District,



W.P.(MD)No.1478 of 2024

which are subject matters of the civil suit in O.S.No. 443 of 2023, on the file of the I Additional District and Session Judge, Madurai till the disposal of the said civil suit.

For Petitioner : Mr.V.R.Shanmuganathan

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

Government Advocate

ORDER

This writ petition has been filed for issuance of writ of mandamus directing the respondents 1 and 2 herein not to register any documents or mutate the revenue relating to the lands in Old S.No. 252/2 re S.No. 15/2, to an extent of 73 cents, Old S.No. 253/1A, re S.No. 16/1A, to an extent of 1 acre 82 cents, and Old S.No.253/2A re S.No.16/2A, to an extent of 1 acre 60 cents, totally to an extent of 4 acres 15 cents, situated at Ambalathadi Village, Madurai North Taluka, Madurai District, which are subject matters of the civil suit in O.S.No. 443 of 2023, on the file of the I Additional District and Session Judge, Madurai till the disposal of the said civil suit.

2. Heard the learned counsel appearing for the petitioner and the learned standing counsel appearing for the respondents. Notice to the private respondents is dispensed with, since no adverse order is going to be passed



W.P.(MD)No.1478 of 2024

against them. 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 subject properties are ancestral properties. Due to the family dispute with respect to release deed and partition, a suit in O.S.No.443 of 2023 was filed before I Additional District and Sessions Judge, Madurai and to declare that the release deed is null and void. Pending civil suit, since the respondents 3 and 4 are trying to sell the properties, the petitioner made an objection to the respondents 1 and 2. In this regard, a representation was also sent to the first respondent. Since the same has not been considered till date, the present writ petition has been filed.

4. The learned Government Advocate appearing for the official respondents submits that there is a dispute between the parties relating to the release deed executed. Whether the release deed is valid or not has to be decided by the competent civil Court. If any interim direction is obtained from the Court in favour of the petitioner, the authorities will consider the same.

5. Even though the properties belonging to the petitioner's father, he is alleged to have executed a release deed. It is purely a civil dispute and the



W.P.(MD)No.1478 of 2024

petitioner has to approach the competent civil Court and obtain orders from the Court. Accordingly, this writ petition is disposed of. It is left open to the petitioner to approach the competent civil Court to work out his remedy. No costs. Consequently, connected miscellaneous petition is closed.

29.01.2024

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
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Pothumbu,
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W.P.(MD)No.1478 of 2024

V.BHAVANI SUBBAROYAN, J.

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Order made in
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29.01.2024