



W.P.(MD) No.1528 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 03.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD) No.1528 2023
and
W.M.P.(MD)No.1406 of 2023

Kuttiraja @ Sangiliveerapa Balasubramaina Pandian

...Petitioner

-vs-

1.The Inspector General of Registration,
No.100, Santhome High Road, Chennai-28.

2.The District Registrar,
Tenkasi Registration District,
Tenkasi.

3.The Sub Registrar,
Sankarankovil Sub-Registrar Office,
Sankarankovil, Tenkasi District.

4.The District Collector,
Tirunelveli-District,
(Court of Wards, For Sivagiri Zamin)
Tirunelveli.

5.The Director of Town and Country Planning,
Tenkasi District, Tenkasi.



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6. The Commissioner,
Sankarankovil Municipality,
Sankarankovil,
Tenkasi District.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of Mandamus, forbearing these respondents from making any house site plots by registering any documents pertaining to the properties covered with 1.60 acres in S.No. 181 and 0.81 acres in S.No.182, in Sankarankovil Revenue village, in Tenkasi District, as per the representation given by the petitioner to the 2 and 3 respondents on 01.12.2022, and they also received the same on 07.12.2022, as per Section 22-A of the Indian Registration Act and its connected rules, Government orders amendments and circulars.

For Petitioner	: Mr.F.X.Eugene
For Respondents	: Mr.P.Subbaraj Special Government Pleader

ORDER

This writ petition has been filed to forbear the respondents from making any house site plots by registering any documents pertaining to the properties covered with 1.60 acres in S.No.181 and 0.81 acres in S.No.182, in Sankarankovil Revenue village, in Tenkasi District.



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2. Heard the learned counsel appearing on either side and perused the materials placed on record.

3. The case of the petitioner is that as far as the suit property is concerned, the suit filed by the petitioner has been allowed in favour of the petitioner and the final decree proceedings are pending. At this stage, one of the co-owners of the subject property, is trying to convert the property as house sites. Hence, the petitioner made a representation to the respondent not to register any document with regard to the subject property as house site. Since the same was not considered the petitioner has filed this writ petition.

4. Perusal of the records shows that for the very same relief sought in this writ petition, the petitioner has already filed a writ petition before this Court in W.P.(MD) No.430 of 2022 seeking to retain the character and entire structure of the property including the deity of the temple. The said writ petition was dismissed by this Court by an order dated 23.03.2023 observing that the writ petition is superfluous in nature.



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Having failed in an earlier attempt, the petitioner has filed this writ petition again seeking the very same relief already sought in the earlier writ petition.

5.In such view of the matter, I do not find any merits in this writ petition, which is nothing but a clear abuse of process of law. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

03.09.2024

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

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To:

- 1.The Inspector General of Registration,
No.100, Santhome High Road, Chennai-28.
- 2.The District Registrar,
Tenkasi Registration District,
Tenkasi.
- 3.The Sub Registrar,
Sankarankovil Sub-Registrar Office,
Sankarankovil, Tenkasi District.

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- 4.The District Collector,
Tirunelveli-District,
(Court of Wards, For Sivagiri Zamin)
Tirunelveli.
- 5.The Director of Town and Country Planning,
Tenkasi District, Tenkasi.
- 6.The Commissioner,
Sankarankovil Municipality,
Sankarankovil,
Tenkasi District.



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N.SATHISH KUMAR, J.

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