



W.P.(MD)No.2632 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.02.2024

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.2632 of 2024

R.Vijayakumar

... Petitioner

Vs

1.The District Registrar,
Registration Department,
Theni, Theni District.

2.The Sub-Registrar,
Office of Sub-Registrar,
Bodinaickanur,
Theni District.

3.Manikandan

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second respondent not to register any sale deed, mortgage deed and any document pertaining to the land in No.285/2 with an extent of 1.48.0 hectares i.e., 3 acre 65 cents situated at Silaimalai Village, Theni District on the basis of the petitioner's representation/objection, dated 25.09.2023.

For Petitioner : Mr.K.Kevinkaran

For R1 & R2 : Mr.M.Senthil Ayyanar
Government Advocate



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ORDER

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The petitioner has prayed for issuance of a Writ of Mandamus, directing the second respondent not to register any sale deed, mortgage deed and any document pertaining to the land in No.285/2 with an extent of 1.48.0 hectares i.e., 3 acre 65 cents situated at Silaimalai Village, Theni District on the basis of the petitioner's representation/objection, dated 25.09.2023.

2. Heard Mr.K.Kevinkaran, learned counsel appearing for the petitioner and Mr.M.Senthil Ayyanar, learned Government Advocate appearing for the respondents.

3. Considering the nature of the order proposed to be passed, protecting the interest of the respondents 5 & 6, notice to the respondents 5 & 6 is dispensed with. By consent, this writ petition is disposed of at the admission itself.

4. The case of the petitioner is that the third respondent approached the petitioner to sell his land in Survey No.285/2, with an extent of 1.48.0 hectares and they entered into a sale agreement on 21.09.2020. On 11.10.2021 the petitioner went to the second respondent office and submitted Rs.8,700/-



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stamps and Rs.8,000/- Demand Draft, subsequently, he uploaded the sale documents in online. He was waiting for the signature, the second respondent refused to register the document stating that the case in O.S.No.69 of 2015 is pending before the District Munsif Court, Bodinaickanur for the said land. Therefore, the petitioner lodged a complaint in the month of December, 2021 before the District Crime Branch, Theni as against the third respondent and he filed the private complaint before the Judicial Magistrate, Theni in Cr.M.P.No. 4611 of 2023 and the same was forwarded to the District Crime Branch. Thereafter, the case was registered against the third respondent in Crime No.29 of 2023 for the offences under Sections 417, 420 of IPC. In the meantime, the third respondent is trying to sell the above said property to the third party. Therefore, the petitioner approached the second respondent not to register any sale deed or mortgage deed or any deed in respect of the survey No.285/2 to an extent of 1.48.0 hectares situated at Silaimalai Village, Theni District. Subsequently, he sent a representation/objection to the respondents 1 & 2 on 25.09.2023. But the second respondent will try to register the above said property. Hence, the petitioner has approached this Court by way of filing the present Writ Petition for the relief stated supra.



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5. The learned Additional Government Pleader appearing for the respondents would submit that appropriate direction may be given to the respondents to consider the petitioner's request in accordance with law, within a time frame.

6. Though the petitioner has come forward with a larger prayer, at the time of hearing, the learned counsel for the petitioner would submit that if a direction is given to the respondents to consider the petitioner's request, the petitioner would be satisfied.

7. In view of the limited prayer that has now been sought for, this writ petition is disposed of with a direction to the respondents 1 & 2 to consider the petitioner's representation/objection, dated 25.09.2023 and pass appropriate orders on merits and in accordance with law as expeditiously as possible.

8. Accordingly, this writ petition is disposed of. No costs.

08.02.2024

Index : Yes/No
Internet: Yes/No
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To

- 1.The District Registrar,
Registration Department,
Theni, Theni District.
- 2.The Sub-Registrar,
Office of Sub-Registrar,
Bodinaickanur,
Theni District.



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V.BHAVANI SUBBAROYAN, J.

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