



WP(MD). No.5465 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 03/09/2024

CORAM

The Hon`ble Mr.Justice N.SATHISH KUMAR

**WP(MD). No.5465 of 2023 and
WMP(MD) No.5106 of 2023**

Sundarraaj.R

... Petitioner

Vs

1. The District Registrar,
Tenkasi, Tenkasi District..

2. The Sub Registrar,
Karivalamvanthanallur, Tenkasi District..

3. G.Ramasubramanian,
S/o.Gurunathan, 1/149, Pillaiyarkovil
Street, Sennikulam Post,
Sankarankovil Taluk,
Tenkasi District..

... Respondents

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the 2nd respondent from registering any document in respect of the land in Survey No.316/1, 316/2, 367/1A, 367/1C, 367/2A, 367/1B, 548/1 and 1379/5 situated at Karivalamvanthanallur, Sankarankovil Taluk, Tenkasi District at instance of the 3rd respondent.



WP(MD). No.5465 of 2023

For Petitioner : Mr.S.Ramasamy
For Respondents : Mr.C.Satheesh for R1&R2
Government Advocate
No appearance for R3

ORDER

The writ petition has been filed for a Mandamus, forbearing the 2nd respondent from registering any document in respect of the land in Survey No.316/1, 316/2, 367/1A, 367/1C, 367/2A, 367/1B, 548/1 and 1379/5 situated at Karivalamvanthanallur, Sankarankovil Taluk, Tenkasi District at instance of the 3rd respondent.

2. It is the case of the petitioner that he has filed a suit praying 1/3rd share in respect of item No.1 and also permanent injunction in respect of item No.2. It has been partly decreed in his favour. However the third respondent making an attempt to transfer the property. Therefore, the petitioner is before this Court with the aforesaid prayer.

3. At the outset, the writ petition itself is misconceived. When the civil Court itself granted an injunction only to item No.2 of the property



WP(MD). No.5465 of 2023

and an appeal has been filed challenging the said judgment and decree, the writ petition has been filed for injunction. If this Court accedes the request and direct the authorities, which is amounting to granting the entire decree as sought before the trial Court. It is also made clear that mere pendency of the suit will not a bar for effecting transaction. Any transaction is subject to the result of the suit/appeal and it is the doctrine of *lis pendens*. Accordingly, the writ petition is dismissed. No costs. Consequently connected Miscellaneous Petition is closed.

03.09.2024

NCC : Yes/No
Index : Yes/No

RR

TO

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Tenkasi, Tenkasi District..
2. The Sub Registrar,
Karivalamvanthanallur, Tenkasi District..



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WP(MD). No.5465 of 2023

N.SATHISH KUMAR,J

RR

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