



W.P.(MD)No.8865 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.8865 of 2023

R.Chandrasekaran Pillai

... Petitioner

Vs

1. The District Registrar,
Office of the District Registrar, New
Collector Office Near, Vallam High Road,
Thanjavur District.

2. The Sub Registrar,
Mahar Nonbuchavadi, Near Sivanga Park,
Thanjavur District.

3. S.Sathiyavathi

4. K.Leelavathy

5. G.Durairaj Mudaliyar

6. R.Kalaiselvi

7. R.Senthil Kumar

... Respondents



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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the 2nd respondent not to entertain or register any documents regarding in survey numbers 106/4 and 106/6 situated at Marungai Village, Mugasa Pinnainallur Taluk, Thanjavur (Taluk) Thanjavur District till the disposal of the Appeal Suit in A.S.No. 75 of 2023 on the file of the before this Court based on the objection petition dated 21.03.2023.

For Petitioner : Mr.V.Selvakumar

For Respondents : Mr.P.Subbaraj (R1,R2)
Special Government Pleader

Mr.P.Arun Jayaraman (R3,R4)

ORDER

This Writ Petition has been filed seeking a direction to the 2nd respondent not to entertain or register any documents regarding in survey numbers 106/4 and 106/6 situated at Marungai Village, Mugasa Pinnainallur Taluk, Thanjavur (Taluk) Thanjavur District till the disposal of the Appeal Suit in A.S.No. 75 of 2023 on the file of the before this Court based on the objection petition dated 21.03.2023.

2.Heard Mr.V.Selvakumar, learned counsel appearing for the petitioner, Mr.P.Subbaraj, learned Special Government Pleader appearing for R1 & R2 and Mr.P.Arun Jayaraman, learned counsel appearing for R3 & R4. Perused



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the materials available on record.

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3.It is the case of the petitioner that the petitioner is having right as a lessee in the subject property. Originally the alleged land is a temple land and the petitioner is cultivating in that land. The respondents 3 & 4 have filed a suit for partition against the respondents 5 to 7 in O.S.No.33 of 2016 on the file of II Additional District and Sessions Court, Thanjavur, which has been decreed in favour of respondents 3 & 4, against which, the petitioner has filed an appeal in A.S.No.75 of 2023, on the file of II Additional District and Sessions Court, Thanjavur. Therefore, he seeks a direction not to register any document.

4.At the outset, this writ petition is a clear abuse of process of law. The petitioner claims that he is only a lessee. So that he cannot restrain the owners from dealing with the property. More over, the suit is filed for the relief of partition only between the members of the family. The petitioner is only a third party to the suit filed this petition seeking not to register any document. Hence, I do not find any merits in this petition.



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5.In view of the above, this writ petition stands dismissed. No costs.

03.09.2024

NCC : Yes/No

Index : Yes/No

PNM

To

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N.SATHISH KUMAR, J.

PNM

ORDER IN

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