



W.P(MD)No.14454 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.06.2024

CORAM :

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P.(MD)No.14454 of 2021

R.Thangavel

... Petitioner

Vs.

1. The District Registrar,
Palani,
Dindigul District.

2. The Sub Registrar,
Vadamadurai,
Dindigul District.

3. Kannan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for records pertaining to the impugned order passed by the second respondent in his proceedings Refusal No.RFL/Vadamadurai/11/2021 dated 22.07.2021 and quash the same as illegal and arbitrary consequently direct the second respondent to register the partition deed in temporary Document No.TP/102404790/2021 dated 03.05.2021 with regard to property in Survey No.927/2, 927/3, 929, 930/1A1, 930/1A2,



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930/1A3, 930/2A1, 930/2A2 situated Sukkampatti Village, Vedasandur Taluk, Dindigul District.

For Petitioner : Mr.G.Gomathi Sankar
For R1 & R2 : Mr.B.Saravanan
Additional Government Pleader
For R3 : Mr.S.Gokulraj

ORDER

The Writ Petition is directed against the impugned refusal check slip dated 22.07.2021 issued by the second respondent and for further direction to the second respondent to register the partition deed in temporary Document No.TP/102404790/2021 dated 03.05.2021 with regard to property in Survey Nos.927/2, 927/3, 929, 930/1A1, 930/1A2, 930/1A3, 930/2A1 and 930/2A2 situated at Sukkampatti Village, Vedasandur Taluk, Dindigul District.

2. The writ petitioner has produced the partition deed executed between him and his brothers for registration, but the same was refused by the second respondent on the ground that the encumbrance certificate reveals that the property shown in the partition deed i.e., in Survey Nos.



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927/2 and 927/3 of Sukkampatti Village, was shown to be owned by two persons.

3. When the matter is taken up for hearing today, the learned counsel appearing for the writ petitioner as well as the third respondent would submit that the third respondent along with his brother Gunaseelan has already filed a civil suit in O.S.No.35 of 2024 before the Principal Subordinate Court, Vendasandhur claiming declaration that the suit property therein i.e., Survey Nos.927/2 and 927/3 of Sukkampatti Village, Vendasandhur Taluk is belonging to them and for consequential permanent injunction restraining the writ petitioner herein and others from interfering with the plaintiffs' peaceful possession and enjoyment of the suit property.

4. Since the writ petitioner as well as the third respondent are claiming ownership over the property in dispute and as the suit is pending with respect to the property in dispute, this Court is of the view that the Court in which the civil suit is pending is to be directed to complete the trial and dispose of the suit within a stipulated period.



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Accordingly, the learned Principal Subordinate Judge, Veda sandhur, is hereby directed to complete the trial in O.S.No.35 of 2024 and dispose of the same within a period of five (5) months from the date of receipt of a copy of this order and subject to the result of the said suit, the writ petitioner is at liberty to move the second respondent for registration.

5. With the above direction, this Writ Petition is disposed of. No costs.

03.06.2024

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

To

1. The Principal Subordinate Judge,
Veda sandhur.
2. The District Registrar,
Palani,
Dindigul District.
3. The Sub Registrar,
Vadamadurai,
Dindigul District.



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K.MURALI SHANKAR, J

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**Order made in
W.P.(MD)No.14454 of 2021**

Dated : 03.06.2024