



W.P.(MD)No.15800 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 14.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.15800 of 2022

and

W.M.P.(MD)Nos.11388 & 11390 of 2022

- 1.M.Alagarsamy
- 2.K.Sudhakar
- 3.A.Muthukumaravel

... Petitioners

Vs.

- 1.The Inspector General of Registration,
100, Santhome High Road, Chennai 600 028.
- 2.The District Registrar,
Registration Department,
Madurai North, Rajakampeeram,
Madurai – 107.
- 3.The Sub Registrar,
Office of the Sub Registrar,
Alanganallur, Vadipatti Taluk,
Madurai District.

- 4.C.Srinivasan

.... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the 3rd respondent not to



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register any document in respect of land in survey Nos.79/1 and 79/2 of Kuttimeykkipatti Village, Vadipatti Taluk of Madurai District.

For Petitioner : Mr.S.Vellaichamy
For Respondents : Mr.C.Satheesh,
Govt. Advocate for R1 to R3
Mr.D.Jeyam for R4

ORDER

This Writ Petition has been filed seeking direction to the 3rd respondent not to register any document in respect of land in survey Nos.79/1 and 79/2 of Kuttimeykkipatti Village, Vadipatti Taluk of Madurai District.

2. Heard the learned counsel for the petitioner, the learned Government Advocate appearing for the respondents 1 to 3 and the learned counsel appearing for the 4th respondent and perused the materials available on record.

3. It is the case of the writ petitioners that the petitioners purchased the suit property through a registered sale deed 10.02.2011. Since the subject property was in possession of the 4th respondent, the petitioners preferred O.S.No.294 of 2011 on the file of II Additional Sub Court, Madurai, which was partly allowed by



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holding that the plaintiffs and the defendant are entitled to half share. Aggrieved by the same, the petitioners preferred A.S.No.59 of 2012 on the file of VI Additional District Court, Madurai, which confirmed the order of the trial Court. As against the same, the petitioners preferred Second Appeal in S.A.(MD)No.594 of 2014 and the same is pending. Pending the Second Appeal, on the basis of the judgment and decree in O.S.No.294 of 2011, the 4th respondent has alienated the subject property to the third parties in different documents. In this regard, the petitioner made a representation to the respondents 2 and 3 not to entertain any registration in respect of the subject property. Since no action was taken by the respondents, the petitioner has filed this Writ Petition.

4. Considering the facts and circumstances of the case, this Court is of the view that the petitioner seeks for a direction not to entertain any registration in respect of subject property and such a blanket direction cannot be issued as prayed for by the petitioner. Mere pendency of the suit is not a bar for registration and any such transfer is always subject to the result of the suit. Therefore, by way of mandamus, statutory authority cannot be prevented from discharging their duties.



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5. With the above observations, this Writ Petition is dismissed. It is for the petitioner to seek necessary relief in the pending Second Appeal. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

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NCC : Yes/No
Index : Yes/No
vsm



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