



WP(MD). No.15306 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 18/09/2024

CORAM

The Hon`ble Mr.Justice N.SATHISH KUMAR

**WP(MD). No.15306 of 2023
and WMP(MD) No.21411 of 2023**

Senthilkumar .R

... Petitioner

Vs

1. The Deputy Inspector General,
Department of Registration Office,
Shankar Colony, Tirunelveli..

2. The District Registrar,
District Registrar Office, Tuticorin District..

3. The Sub Registrar,
Joint-I Sub Registrar Office, Tuticorin District..

4. The Sub Registrar,
Joint-Ii Sub Registrar Office,
Tuticorin District..

5. The Sub Registrar,
Keezhur Sub Registrar Office, Tuticorin District..

6. The Sub Registrar,
Melur Sub Registrar Office, Tuticorin District..

7. Sridharan. R

... Respondents



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PRAYER :- Writ Petition, filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent No.3 to 6 to not to register the document in Survey Nos. 148B/1A, 148B/3, 148B/10A, 148B/10A1, 148B/10A2, 149-3B, 149-3B2, 149-3B2B at Vilathikulam Village, Vilathikulam Taluk, Tuticorin District, and the Survey Nos.338/2, 340/1, 352, 354/2, 355/2, 357, 358/2, 360/2, 370, 371/1C, 480/1, 481, 344, 345/1, 343, 349, 348/1, 342/2, 374, 374/1, 373/1, 371/1B, 378/2, 368/1, 368/2, 369, 377, 361/1, 361/2 at Meelavittan Village, Tuticorin District and the Survey Nos. 278/1, 278/2, 290/1, 292/1 at Ottapidaram Taluk, Keezhaarasati Village, Tuticorin District and also the pro

For Petitioner : Mr.M.Vivek Kumar,
For Respondents : Mr.M.Siddharthan for R1 to R6
Addl. Government Pleader
Mr.G.Mohankumar for R7

ORDER

The writ petition has been filed for a mandamus to direct the respondent Nos.3 to 6 to not to register the document in Survey Nos. 148B/1A, 148B/3, 148B/10A, 148B/10A1, 148B/10A2, 149-3B, 149-3B2, 149-3B2B at Vilathikulam Village, Vilathikulam Taluk, Tuticorin District and the Survey Nos.338/2, 340/1, 352, 354/2, 355/2, 357, 358/2, 360/2, 370, 371/1C, 480/1, 481, 344, 345/1, 343, 349, 348/1,



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342/2, 374, 374/1, 373/1, 371/1B, 378/2, 368/1, 368/2, 369, 377, 361/1, 361/2 at Meelavittan Village, Tuticorin District and the Survey Nos. 278/1, 278/2, 290/1, 292/1 at Ottapidaram Taluk, Keezhaarasati Village, Tuticorin District and also the properties with respect to the partition suit pending in OS No.183/2021 on the file of IIIrd Additional District Judge, Tuticorin till the final disposal of the suit by considering the petitioner's representation dated 08.06.2023.

2. It is the case of the petitioner that the subject properties are the ancestral property. While so, his father executed a settlement deed in favour of the 7th respondent, who is one of the son and therefore, the petitioner filed a partition suit and the same is pending in OS No. 183/2021. While so, the 7th respondent has executed settlement deed in favour of his wife and therefore, the petitioner filed protest petition before the registering authorities. Knowing the protest petition and the pendency of the suit, the 7th respondent has started to sell the properties and therefore, the petitioner sent a representation to the respondents. Since the same has not been considered so far, the petitioner is before this Court with the aforesaid prayer.



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3. At the outset, the writ petition itself is misconceived. When the civil suit is pending, the suit for partition is pending. Pending disposal of the suit, the 7th respondent is taking steps to sell the same to third parties. It is 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. Considering the pendency of the suit, the civil Court shall dispose of the suit expeditiously, including any application filed for injunction. No costs. Consequently connected Miscellaneous Petition is closed.

18.09.2024

RR



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District Registrar Office, Tuticorin District..
3. The Sub Registrar,
Joint-I Sub Registrar Office, Tuticorin District..
4. The Sub Registrar,
Joint-II Sub Registrar Office,
Tuticorin District..
5. The Sub Registrar,
Keezhur Sub Registrar Office, Tuticorin District..
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