



WP(MD). No.15726 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 18/09/2024

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The Hon`ble Mr.Justice N.SATHISH KUMAR

WP(MD). Nos.15726 to 15728 of 2023

Vairamuthu

... Petitioner in
WP No.15726/2023

Palanisamy

... Petitioner in
WP No.15727/2023

Rajesh

... Petitioner in
WP No.15728/2023

Vs

1. The Inspector General of Registration,
Santhome High Road, Chennai.

2. The District Registrar,
Karur, Karur District.

3. The Sub Registrar,
Tharagampatti, Karur District.

4. Muthusamy,
S/o Chinthambram, No.3 D, Kalaithuvidu,
Tharakampatti, Kulithalai, Karur District.

... Respondents



WP(MD). No.15726 of 2023

PRAYER :- Writ Petitions filed under Article 226 of Constitution of India, praying this Court to issue of Writs of Mandamus directing the respondents 1 to 3 not to register any document without conducting enquiry pertaining to S.F.Nos. 384/2B and 379/2A4 to extent of 1504, 2626 and 10 cents of lands respectively situated at Kadavur Taluk, Tharagampatti, Karur District, pursuant to the orders of this Court in C.R.P.(MD).No. 2644 of 2018, dated 20.03.2023 based upon the protest petitions given by the petitioners dated 07.06.2023.

For Petitioners : Mr.S.Gokulraj,
For Respondents : Mr.C.Satheesh
Government Advocate for R1 to R3
Mr.K.Neethimohan for R4

COMMON ORDER

These writ petitions have been filed for a mandamus directing the respondents 1 to 3 not to register any documents without conducting enquiry pertaining to S.F.Nos. 384/2B and 379/2A4 to extent of 1504, 2626 and 10 cents of land situated at Kadavur Taluk, Tharagampatti, Karur District, pursuant to the orders of this Court in C.R.P.(MD).No. 2644 of 2018, dated 20.03.2023 based upon the protest petitions given by the petitioners dated 07.06.2023.



WP(MD). No.15726 of 2023

2. I have considered the rival submissions and perused the materials available on record.

3. The case of the petitioners is that originally a suit was filed for partition in OS No.312/2005 for the subject properties. The petitioners herein purchased the subject property from the first defendant in the original suit in OS No.312/2005, which was decreed exparte on 09.10.2007. In the meanwhile, the exparte decree has been set aside and the suit has been restored. Now, the petitioners seek their objections to be considered by the authorities in the event other co-sharers registering the property.

4. At the outset, this Court is of the view that the petitioners' right will accrue only when the shares of his vendor have been finally settled. They can't step into the shoes of their vendor by giving a protest petition and till their protest petitions are considered one way or the other, they cannot prevent the other co-sharers to deal with their own properties as per law.



WP(MD). No.15726 of 2023

5. In such view of the matter, I do not find any merits in the writ petitions. It is relevant to note that any sale made during the pendency of the suit is always subject to the result of the suit.

6. Accordingly, the writ petitions are dismissed. No costs.

18.09.2024

RR

TO

1. The Inspector General of Registration,
Santhome High Road, Chennai.

2. The District Registrar,
Karur, Karur District.

3. The Sub Registrar,
Tharagampatti, Karur District.



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WP(MD). No.15726 of 2023

N.SATHISH KUMAR,J

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**ORDER
IN**

WP(MD) Nos.15726 to 15728 of 2023

Date : 18/09/2024