



W.P.(MD)No.19066 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 07.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.19066 of 2024
and WMP(MD) No.16145 of 2024

P.Kanagaraj

... Petitioner

Vs

1. The District Registrar,
Registration Department,
Thoothukudi District.

2. The Sub Registrar (Joint -1),
Sub Registrar Office,
Polpettai, Thoothukudi District.

3. Keerthilakshmi Trading Company Private Ltd.,
No. 60/1, Doovipuram 10th Street,
Thoothukudi,
Rep. by its Director,
Shaila Manotharan.

4. Keerthilakshmi Trading Company Private Ltd,
No. 60/1, Doovipuram 10th Street,
Thoothukudi,
Rep. by its Co-Director,
Praveen Manotharan.

... 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, forbearing the 1st and 2nd respondents from registering the documents submitted by the 3rd and 4th respondents in respect of properties in Survey Nos. 4109, 4110, 4111, 4112 situated at Doovipuram 10th Street, Thoothukudi till the disposal of the suit filed by the petitioner in O.S.No. 95 of 2024 pending before the 1st Additional District Court, Thoothukudi based on petitioner's representation, dated 10.07.2024.

For Petitioner : Mr. P.Kalimuthu

For Respondents : Mr.C.Satheesh
Government Advocate

ORDER

This Writ Petition has been filed seeking a direction to forbear the 1st and 2nd respondents from registering the documents submitted by the 3rd and 4th respondents in respect of properties in Survey Nos. 4109, 4110, 4111, 4112 situated at Doovipuram 10th Street, Thoothukudi till the disposal of the suit filed by the petitioner in O.S.No. 95 of 2024 pending before the 1st Additional District Court, Thoothukudi based on petitioner's representation, dated 10.07.2024.

2.Heard Mr.P.Kalimuthu, the learned counsel appearing for the petitioner and Mr.C.Satheesh, learned Government Advocate appearing for the respondents.



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3. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

4.It is the contention of the petitioner that the Company has originally executed an agreement for sale and whereas, a suit in O.S.No. 95 of 2024 on the file of 1st Additional District Court, Thoothukudi has been filed by the petitioner seeking for the relief of specific performance. During the pendency of the suit, the respondents 3 & 4 are trying to alienate the suit property. Hence, seeks a direction against the official respondents.

5.At the outset, the writ petition itself is a misconceived one. Mere agreement of sale does not create any right or title over the property. If the petitioner wants any relief, he can seek the same in the pending suit itself. It is upto the parties to purchase the property, having known about the earlier document. Such being the position, a blanket order cannot be issued by this Court. The petitioner can work out his remedy in the pending suit.



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6. With the above observations, this writ petition stands dismissed.

There shall be no order as to costs. Consequently connected miscellaneous petition is closed.

07.08.2024

NCC : Yes/No

Index : Yes/No

PNM

To

1. The District Registrar,
Registration Department,
Thoothukudi District.

2. The Sub Registrar (Joint -1),
Sub Registrar Office,
Polpettai, Thoothukudi District.



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N.SATHISH KUMAR, J.

PNM

ORDER IN

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