



W.P.(MD)No.21806 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.08.2024

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CORAM:

**THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR**

W.P.(MD)No.21806 of 2022  
and  
W.M.P.(MD)No.15970 of 2022

T.G.Kannan

... Petitioner

Vs.

1.The Inspect General of Registration,  
Santhome High Road,  
Santhome, Mylapore,  
Chennai-600 028.

2.The District Registrar,  
Office of the District Registrar,  
Sivagangai District.

3.The Sub Registrar,  
Office of the Sub-Registrar,  
Thiruppuvanam,  
Sivagangai District.

4.Manithevar

5.Rajendran

6.Ponnuthai

7.Karuppusamy

8.Pushpavalli

9.Pottimuthu

10.Moolaporul

11.Narayanamoorthi

.... Respondents

*[R4 to R11 are impleaded vide order dated 18.11.2022]*



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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, directing the 3rd respondent to consider the petitioner's representation dated 23.08.2022 and consequently direct the 3rd respondent not to register any document in respect of survey Nos. 1) 460/3 D, 5 Acre 35 cents, 2) 460/3J, 3 Acre 27 cents, 3) 460 / 3 L, 63 cents, 4) 460 / 3 H, 2 Acre 51 cents, 5) 460 / 3M, 4 Acre 22 cents, 6) 460/ 3M, 2 Acre 23 cents, 7) 460/3N, 1 Acre 94 cents, 8) 460 / 3N, 2 Acre 6 cents, 9) 460 / 3K, 4 Acre 51 cents, 10) 460 / 3K, 36 cents, at Keelarangian village in Melarangian group Thirupuvanam Taluk, Sivagangai District.

|                |                                       |
|----------------|---------------------------------------|
| For Petitioner | : Mr.R.Senthil Kumar                  |
| For R1 to R3   | : Mr.P.Subbaraj<br>Spl. Govt. Pleader |
| For R4 & R5    | : Mr.R.Udhayakumar                    |
| For R6         | : No Appearance                       |
| For R8 to R11  | : Mr.V.Nagendran                      |

### **ORDER**

This Writ Petition has been filed seeking for a direction to the third respondent to consider the petitioner's representation dated 23.08.2022 and consequently direct the 3rd respondent not to register any document in respect of survey Nos. 1) 460/3 D, 5 Acre 35 cents, 2) 460/3J, 3 Acre 27 cents, 3) 460 / 3 L, 63 cents, 4) 460 / 3 H, 2 Acre 51 cents, 5) 460 / 3M, 4 Acre 22 cents, 6) 460/ 3M, 2 Acre 23 cents, 7) 460/3N, 1 Acre 94 cents, 8) 460 / 3N, 2 Acre 6 cents, 9) 460 / 3K, 4 Acre 51 cents, 10) 460 / 3K, 36 cents, at Keelarangian village in Melarangian group Thirupuvanam Taluk, Sivagangai District.



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2. Heard the learned counsel for the petitioner, the learned Special Government Pleader appearing for the respondents 1 to 3, learned Standing Counsel for the respondents 4 and 5 and the learned counsel for the respondents 8 to 11 and perused the materials available on record.

3. The petitioner is the proposed purchaser of the above said properties. He had entered into an agreement of purchase with regard to the said properties and had paid the substantial consideration. However, the vendors of the petitioner refused to execute the sale deed in time and hence, the petitioner has filed a suit in O.S.No.112 of 2013, which is pending. In the meantime, the vendors of the petitioner are trying to alienate the subject properties. Hence, the petitioner made a detailed representation by way of objection dated 23.08.2022. Since the same was not considered, the petitioner has filed this writ petition seeking a direction to the third respondent not to register any document in respect of the subject property.

4. The learned Special Government had filed counter affidavit stating that the petitioner has filed a civil suit in O.S.No.112 of 2013 and the same is pending. As on date, the petitioner has not obtained any restraint order from the competent civil Court as against the third respondent for not to register any



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document with regard to the subject property. Hence, he opposes this writ petition.

5. Admittedly, the suit in respect of the parties is pending in O.S.No. 113 of 2013 before the competent civil Court. The petitioner has filed this writ petition seeking a restraint order against the third respondent from registering any document with regard to the subject properties. When a civil suit between the parties is pending before the competent civil Court, the prayer sought for by the petitioner cannot be granted by this Court. It is for the petitioner to approach the civil Court and get an order restraining the third respondent from registering any document.

6. For the reasons stated above, this writ petition is not maintainable and dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

**16.08.2024**

NCC : Yes/No  
Index : Yes/No  
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**N.SATHISH KUMAR, J.**

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