



W.P.(MD) No.12097 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.07.2024

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.(MD)No.12097 of 2018

C.Suresh Raman Nadar

... Petitioner

Vs.

1.The District Registrar,
Nagerkovil District @ Nagerkovil.

2.The Sub Registrar,
O/o/.The Sub Registrar,
Manavalakurchi,
Mandaikadu Post,
Kanyakumari District.

3.Iyyappan, S/o.Selvaraj

... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 and 2 not to registrar any documents pertaining to the property in Survey No.140/9B in Naduvoorkarai, Mondaikadu Village, Kanyakumari District, by considering the representation given by the petitioner dated 07.05.2018, within the period stipulated by this Court.

For Petitioner

: Ms.Saranya

For R1 and R2

: Mrs.D.Farjana Ghoushia
Special Government Pleader



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ORDER

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The petitioner has approached this Court on 04.06.2018 by filing this Writ Petition for issuance of a Writ of Mandamus, directing the respondents 1 and 2 not to registrar any documents pertaining to the property in Survey No.140/9B in Naduvoorkarai, Mondaikadu Village, Kanyakumari District, by considering the representation given by him dated 07.05.2018.

2. It appears that the petitioner has already filed O.S.No.131 of 2014 for permanent injunction before the District Munsif Court, Eraniel and O.S.No.71 of 2016 for declaration before the Principal Subordinate Court, Padmanabapuram. It is noticed that the petitioner has also filed a criminal complaint against the third respondent in Crime No.425 of 2014 before the Kolachal Police Station.

3. It is confirmed by both the learned counsel for the petitioner and the learned Special Government Pleader for the respondents 1 and 2, the suits are ripe for trial and the trial is going on.



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4. The apprehension of the petitioner is unnecessary. In any event, it is for the petitioner to have obtained suitable interim injunction from the Courts before whom he has initiated proceedings. Any transfer by the third respondent will be governed by the *lis pendens* under the provisions of the Transfer of Property Act, 1882. Therefore, there is no merit in the present Writ Petition.

5. Considering the above, I find no merits in the present Writ Petition. Therefore, this Writ Petition is dismissed, as the petitioner's rights are in any event protected under the provisions of the Transfer of Property Act, 1882. No costs.

Index : Yes/ No
Neutral Citation: Yes / No
Speaking Order / Non-Speaking Order
smn2

05.07.2024

To

- 1.The District Registrar,
Nagerkovil District @ Nagerkovil.
- 2.The Sub Registrar,
O/o/.The Sub Registrar,
Manavalakurchi,
Mandaikadu Post,
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C.SARAVANAN, J.

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