



W.P.(MD) No.21028 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD) No.21028 2024

A.Xavier Dhanapal

...Petitioner

-VS-

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

2.The Sub Registrar,
Thoothukudi Keelur Sub Registrar Office,
Thoothukudi District.

3.Thirumani

4.The Managing Committee,
VVD High School,
Through its Manager,
Arockiyapuram,
Thoothukudi.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the second respondent in Na.Ka.No.199/2024 dated 05.07.2024 and quash the same and consequently directing the second respondent not to register any



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document in respect of the property situated in Old.S.No.210/1, New S.No.210/5, Maapillai Oorani Village, South Sottaiyan Thoppu, Thoothukudi Taluk, Thoothukudi Registration District measuring an extent of 15 cents.

For Petitioner : Mr.G.R.Satish
For R1 & R2 : Mr.P.Subbaraj
Standing Counsel

ORDER

The petitioner has filed this writ petition challenging the order passed by the second respondent dated 05.07.2024 and consequently direct the second respondent not to register any document in respect of the property situated in Old.S.No.210/1, New S.No.210/5, Maapillai Oorani Village, South Sottaiyan Thoppu, Thoothukudi Taluk, Thoothukudi Registration District measuring an extent of 15 cents.

2.Mr.P.Subbaraj, learned Special Government Pleader, takes notice for the respondents 1 & 2. Considering the nature of the order proposed to be passed in this writ petition, notice to the third and fourth respondents is dispensed with.



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

4.It is the case of the petitioner that in respect of the subject property, the petitioner had entered into a sale agreement with the fourth respondent, who is the power agent of the original owners of the subject property and paid a substantial consideration. However, the fourth respondent had failed to execute the sale deed. In the meantime, the power agent had attempted to sell the subject property to some other third party. Hence, the petitioner had made an objection before the second respondent not to register any document with regard to the subject property. The same was rejected by an order dated 05.07.2024. Challenging the same, the petitioner has filed this writ petition.

5.The learned counsel for the petitioner submits that with regard to the subject property a suit in O.S.No.636 of 1984 was filed by the predecessors and the said suit was dismissed on 12.03.2002. A challenge to the said judgment and decree in A.S.No.12 of 2006 was also ended in dismissal by order dated 20.08.2011. Only thereafter, the petitioner



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entered into a sale agreement with regard to the subject property with the fourth respondent. In the meanwhile, it came to know that a second appeal is filed and pending before this Court in S.A.(MD)No.528 of 2016. The petitioner also filed an application for impleading himself in the said second appeal and the same is pending. In the meantime, an attempt was made to alienate the subject property, hence, the petitioner had given an objection not to register any document with regard to the subject property.

6.Perusal of the affidavit filed in support of this writ petition shows that the right of the parties with regard to the subject property is pending before this Court in S.A.(MD)No.528 of 2016 and the petitioner has also filed an application to implead himself in the said second appeal. Having filed an application to implead himself in the pending appeal, the petitioner cannot insist the authorities to decide the issue of title by giving objections. It is for the petitioner to establish his right in the pending appeal.



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7. In view of the above, I do not find any merits in this writ petition. Accordingly, this writ petition is dismissed. No costs.

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Index : Yes / No

Internet : Yes / No

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To

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

2. The Sub Registrar,
Thoothukudi Keelur Sub Registrar Office,
Thoothukudi District.



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N.SATHISH KUMAR, J.

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