



W.P.(MD)No.23860 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 20.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.23860 of 2022

S.Murugan

... Petitioner

Vs.

1.The District Registrar,
Tirunelveli District, Tirunelveli.

2.The Sub-Registrar,
Radhapuram Taluk, Tirunelveli.

3.S.Pachai Mal @ Paulraj Nadar

4.Jenise Ebrayem

.... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the 1st respondent in Na.Ka.No. 3881/E2/2022 dated 22.07.2022 and quash the same and consequently direct the 2nd respondent to make endorsement about the fraudulent document in the Doc.No. 1357/2022 dated 09.03.2022 and the consequential documents.



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For Petitioner : Mr.H.Arumugam
For Respondents : Mr.P.Subbaraj,
Spl. Govt. Pleader for R1 & R2
Mr.V.Muthu Kamatchi for R3 & R4

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the 1st respondent in Na.Ka.No.3881/E2/2022 dated 22.07.2022 and quash the same and consequently direct the 2nd respondent to make endorsement about the fraudulent document in the Doc.No.1357/2022 dated 09.03.2022 and the consequential documents.

2. Heard the learned counsel for the petitioner, the learned Special Government Pleader appearing for the respondents 1 and 2 and the learned counsel appearing for the respondents 3 and 4 and perused the materials available on record.



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3. It is the case of the writ petitioner that the petitioner has purchased the subject property through a registered sale deed dated 29.10.2009. While so, since the third respondent denied his right over the property, the petitioner filed a suit in O.S.No.267 of 2010 before the Principal District Munsif Court, Valliyoor, which was dismissed on 19.10.2019. Challenging the same, the petitioner filed an appeal in A.S.No.80 of 2019 before the Sub-Court, Valliyoor and the same is pending. Though the appeal suit is pending, the third respondent have sold the property to the 4th respondent. Hence, the petitioner made a representation to the respondents 1 and 2 to take action as against the fraudulent document registered by the respondents 3 and 4, on which the impugned order came to be passed, relegating the parties to the civil Court. Challenging the same the petitioner has filed this Writ Petition.

4. The respondents have not filed their counter affidavit.

5. On a perusal of the impugned order, it is seen that since a civil suit is pending between the parties, the first respondent relegated the parties to the civil Court. This Court does not see any infirmity in the said order. Mere pendency of the suit is not a bar for registration and any such transfer is always subject to the



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result of the suit. In such view of the matter, the impugned order does not require any interference and the Writ Petition is liable to be dismissed.

6. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs.

20.08.2024

NCC : Yes/No
Index : Yes/No
vsm



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To

- 1.The District Registrar,
Tirunelveli District, Tirunelveli.
- 2.The Sub-Registrar,
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N.SATHISH KUMAR, J.

vsm

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