



W.P(MD)No.1295 of 2016

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.01.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE M.DHANDAPANI**

W.P(MD)No.1295 of 2016

Raiser Pasumai Development Limited,
Represented by its Director,
A.Sivakumar

... Petitioner

VS.

1.The Sub Registrar,
Sub Registrar Office No.II,
Sivagangai Town,
Sivagangai District.

2.G.Muthukrishnan
3.Senthilkumar
4.Nagalakshmi

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the first respondent to consider the petitioner's representation dated 08.12.2015 and consequently direct him to remove the entries made by the second respondent in favour of the respondents 3 and 4 in the light of the Judgment and Decree made in O.S.No.144 of 2010 by the learned District Munsif, Sivagangai within the time stipulated by this Court.

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For Petitioner : Mr.B.Senthil Kumar

For R – 1 : Mr.Amjad Khan
Government Advocate

For R – 2 : Mr.P.Mahendran

ORDER

(Order of the Court was made by D. KRISHNAKUMAR, J.)

The petitioner has filed the present Writ Petition for issuance of a Writ of Mandamus, to direct the first respondent to consider his representation dated 08.12.2015 and consequently direct him to remove the entries made by the second respondent in favour of the respondents 3 and 4 in the light of the Judgment and Decree made in O.S.No.144 of 2010 by the learned District Munsif, Sivagangai within the time stipulated by this Court.

2.The learned counsel appearing for the second respondent would submit that as against the Judgment and Decree passed in O.S.No. 144 of 2010 on the file of the learned District Munsif Court, Sivagangai, the



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second respondent has preferred an appeal before the Sub Court, Sivagangai along with a delay condonation petition in I.A.No.398 of 2015 and the same is pending disposal.

3.Refuting the same, the learned counsel appearing for the petitioner would submit that no notice has been served on the petitioner with regard to the filing of the said Appeal suit.

4.Considering the submissions made on either side, the prayer sought for by the petitioner cannot be considered. However, we make it clear that if no such appeal is pending before the Appellate Court, the petitioner is entitled to approach the authority concerned seeking for appropriate orders in the light of the Judgment and Decree passed in O.S.No.144 of 2010 on the file of the learned District Munsif, Sivagangai and the authority concerned is directed to consider the same and pass appropriate orders on merits and in accordance with law, after providing due opportunity to the parties concerned, as expeditiously as possible.



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5.With the above direction, this Writ Petition is disposed of. No costs.

[D.K.K.,J.] [M.D.I.,J.]
11.01.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
ps

To

The Sub Registrar,
Sub Registrar Office No.II,
Sivagangai Town,
Sivagangai District.



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D. KRISHNAKUMAR,J.
and
M.DHANDAPANI,J.

ps

ORDER MADE IN
W.P(MD)No.1295 of 2016

DATED : 11.01.2024