



W.P.(MD)No.15839 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.11.2024

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD)No.15839 of 2016

and

W.M.P.(MD)No.11611 of 2016

M.Govindaraj

...Petitioner

Vs

1.The Inspector General of Registration,
Santhome High Road,
Mylapore,
Chennai – 28.

2.The District Registrar, (Admin),
District Registrar Office,
No.52, Sangar Agam,
South Agraharam, Thenkarai,
Periyakulam – 626 501.

3.The Sub Registrar,
Andipatti Sub Registrar Office,
No.108/9, Melaodai Street,
Andipatti – 625 512.

4.P.Suruliraj

5.Virumandi

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating with the order of the third respondent made in Dispute Petition No.46/2016, dated 16.08.2016 and quash the same as it is arbitrary and illegal and in consequence to forbear him from registering any instrument or deed of conveyance, which will be presented by the fifth respondent relating with petitioner's properties 96 cents in S.No.133/2A and ad-measuring 1 acre 1 cent in 133/3A in Marikundu Village in Andipatti Taluk in Theni District.

For Petitioner : Mr.R.Suriya Narayanan

For R-1 to R-3 : Mr.M.Sarangan
Additional Government Pleader

For R-4 : No Appearance

For R-5 : Mr.S.Rajasekar
For M/s.T.Lajapathiroy & Associates

ORDER

Heard Mr.R.Suriya Narayanan, learned counsel for the petitioner, Mr.Mr.M.Sarangan, learned Additional Government Pleader for the respondents 1 to 3, Mr.S.Rajasekar, for M/s.T.Lajapathiroy & Associates, learned counsel for the 5th respondent.



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2. This Writ Petition has been filed challenging the order dated 16.08.2016, rejecting the request of the petitioner not to register any documents with regard to the prayer mentioned property.

3. The reason for making such request to the third respondent was that a civil suit in O.S.No.106 of 2012 on the file of the District Munsif Court, Andipatti had been filed by the petitioner as against the fourth respondent and others including the third respondent herein, challenging the sale deed dated 30.04.2012 in Doc.No.2791/12 standing in the name of the fourth respondent herein, by judgment and decree dated 27.07.2018, the District Munsif Court, Andipatti had granted a declaration that in respect of the said property under the said document, the defendants 1 to 3 therein would not be entitled for creating any further encumbrance on the same.

4. The learned Additional Government Pleader for the respondents 1 to 3 would submit that no further encumbrance has been created with respect to the property pursuant to the document dated 30.04.2012 in Doc.No.2791/2012 on the file of the third respondent.



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5. In view that no encumbrance has been made in respect of the prayer mentioned property till date and also considering the fact that the civil court has granted a declaration that the fourth respondent herein would not be entitled to encumber the property any further, the order impugned herein is set aside. However, this order shall be subject to any appeal filed by the fourth respondent herein as against the judgment and decree made in O.S.No.106/2012 on the file of District Munsif Court, Andipatti.

6. With the above observation, the Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

11.11.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr



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K.KUMARESH BABU, J.

Nsr

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