



W.P.(MD) No.19668 of 2016

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

**W.P.(MD) No.19668 of 2016
and
W.M.P.(MD) Nos.14176 and 14177 of 2016**

Shanmuga Velammal

... Petitioner

/vs./

1.The Sub Registrar,
Sankarankovil,
Tirunelveli District.

2.K.Maheswari

3.Jeyalakshmi

4.The District Registrar (Administration),
Tenkasi,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the Registered Sale Deed in Document Number 647 of 2016 dated 09.03.2016 registered by the 1st Respondent for the Sale Transaction entered between the 2nd



W.P.(MD) No.19668 of 2016

and 3rd Respondent and quash the same and consequently direct the 1st Respondent to cancel all the related entries in the Registration Documents pertaining to the Sale Transaction entered between the 2nd and 3rd Respondent and registered by the 1st Respondent vide Document Number 647 of 2016 dated 09.03.2016.

For Petitioner : Mr.N.Sankar Ganesh

For R1 & R4 : Mr.M.Sarangan
Additional Government Pleader

For R2 : Mr.VR.Shanmuganathan

For R3 : Mr.F.X.Eugene

ORDER

The prayer in this writ petition is seeking to quash the registered sale deed bearing Doc.No.647/2016 dated 09.03.2016 on the file of the first respondent herein.

2. It is well settled law that the powers under Article 226 of the Constitution of India cannot be exercised in such matters, when there are other remedies available to the petitioner. The Hon'ble Apex Court in the judgment reported in **2016 10 SCC 767 (Satya Pal Anand Vs. State of M.P. and others)**



W.P.(MD) No.19668 of 2016

had dealt with this identical issue and had held that the remedy available in such cases would be to invoke the civil jurisdiction.

3. The learned counsel for the petitioner however would contend that in spite of an injunction order granted in CMP.Nos.7107 and 7108 of 2001 in S.A.No.687 of 2001, the second respondent had executed a sale deed in favour of the third respondent. Hence, the sale deed itself is in violation of the injunction order. It is also admitted by the learned counsel appearing on either side that the petitioner had already initiated a contempt proceeding for violation of the order of injunction stated supra.

4. In view of the judgment of the Hon'ble Apex Court reported in **2016 10 SCC 767** (*referred supra*), the writ petition cannot be entertained. However, liberty is given to the petitioner to proceed with the contempt petition that he had already initiated for complaining violation of the order passed in CMP.Nos.7107 and 7108 of 2001 in S.A.No.687 of 2001.



W.P.(MD) No.19668 of 2016

WEB COPY

5. With the aforesaid liberty, no further adjudication is required to be made in this writ petition and the Writ Petition is accordingly closed. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Index : Yes / No
Internet : Yes / No
mm

11.11.2024

To

- 1.The Sub Registrar,
Sankarankovil,
Tirunelveli District.
- 2.The District Registrar (Administration),
Tenkasi,
Tirunelveli District.



WEB COPY



W.P.(MD) No.19668 of 2016

K.KUMARESH BABU, J.

mm

W.P.(MD) No.19668 of 2016

11.11.2024