



W.P(MD)No.22640 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.07.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.22640 of 2023

R.Sureshkumar

... Petitioner

Vs.

1.The District Registrar,
District Registrar Office,
Trichy.

2.The Sub - Register,
Joint - I Sub - Register Office,
Trichy District.

3.J.Senthilnathan

4. Sivakumar

5.The Branch Manager,
Indian Overseas Bank,
Cantonment Branch,
Trichy.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st and 2nd respondents to release mortgage deed registered on 23.08.2023 pertains to property situated at about 330 Sq.ft Chinthamani village, Trichy taluk, Trichy District after conducting enquiry by affording opportunity to the petitioner by



W.P(MD)No.22640 of 2023

considering the petitioner representation dated 05.09.2023 within time frame fixed by this Court.

For Petitioner : Mr.J.Senthil Kumaraiah

For Respondents : Mrs.D.Farjana Ghoushia,
Spl. Government Pleader for R1 & R2.
Mr.V.R.Shanmuganathanfor R3 & R4.

ORDER

Heard the learned counsel for the petitioner, the learned Special Government Pleader for the respondents 1 and 2 and the learned counsel for the respondents 3 and 4.

2.The third respondent herein presented the petition mentioned deed of mortgage. The petitioner herein wants this Court to restrain the registering authority from releasing the document. The petitioner's case is that he is having a partition deed in his favour. Even though the petitioner has couched the prayer as if it is against the registering authority, in essence, the petitioner seeks relief only against a private individual. The petitioner has to necessarily obtain such a relief only before the jurisdictional Civil Court. Filing writ petition does not appear to be in order.



W.P(MD)No.22640 of 2023

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3. Granting liberty to the petitioner to workout his rights before the Civil Court, the writ petition is dismissed. No costs.

02.07.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

1. The District Registrar,
District Registrar Office,
Trichy.
2. The Sub - Register,
Joint - I Sub - Register Office,
Trichy District.



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W.P(MD)No.22640 of 2023

G.R.SWAMINATHAN, J.

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W.P(MD)No.22640 of 2023

02.07.2024
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