



W.P.(MD)No.24724 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 29.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.24724 of 2022

R.Ramar

... Petitioner

Vs.

1.The District Registrar,
Karur District,
Karur.

2.The Sub Registrar,
Krishnarayapuram Sub Registrar Office,
Karur District.

3.Mathanmohan Kuptha

4.Duraipandian

.... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondent Nos.1 and 2 to hear the objection application given by the petitioner dated 27.10.2022 in respect of any document submitted by the 3rd respondent for registration in S.F.No. 201/1 measuring an extent of 3.60.0 Hectare, 8 Acres 99 cents, S.F.No.201/2 measuring an extent of 2 Acre 26 cents, S.F.No.203 measuring an extent of 2.47.5 Hectare, 6 Acres, 11 cents, S.F.No.204/2 measuring an extent of 2.8.5 Hectare, 6



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Acres, 39 cents and S.F.No.205 measuring an extent of 3.15.5 Hectare, 7 Acres, 79 Cents situated at Pothuravuthanpatti Village, Krishnarayapuram Taluk, Karur District and pass orders on the same in accordance with the statutory provisions, based on the representation of the petitioner dated 27.10.2022.

For Petitioner : Mr.B.Prasanna Vinoth
For Respondents : Mr.M.Siddharthan
Addl. Govt Pleader for R1 & R2
No Appearance for R3
Mr.R.Sundar for R4

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus, directing the respondent Nos.1 and 2 to hear the objection application given by the petitioner dated 27.10.2022 in respect of any document submitted by the 3rd respondent for registration in S.F.No.201/1 measuring an extent of 3.60.0 Hectare, 8 Acres 99 cents, S.F.No.201/2 measuring an extent of 2 Acre 26 cents, S.F.No.203 measuring an extent of 2.47.5 Hectare, 6 Acres, 11 cents, S.F.No.204/2 measuring an extent of 2.8.5 Hectare, 6 Acres, 39 cents and S.F.No.205 measuring an extent of 3.15.5 Hectare, 7 Acres, 79 Cents situated at Pothuravuthanpatti Village, Krishnarayapuram Taluk, Karur District and pass orders on the same in accordance



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with the statutory provisions, based on the representation of the petitioner dated 27.10.2022.

2. It is the grievance of the Writ Petitioner that he has executed an unregistered agreement with the third respondent for purchase of subject lands and he has paid a sum of Rs.55,50,000/- as an advance. On receipt of the said amount, the third respondent has handed over the possession of the subject lands to the petitioner. Thereafter, when the petitioner approached the third respondent to execute a sale deed as per the agreement, with the balance sale consideration, the third respondent did not come forward to execute the sale deed. After knowing the fact that the third respondent has executed a power of attorney in favour of the 4th respondent in respect of the subject lands, the petitioner has filed a suit for specific performance in O.S.No.357/2022 on the file of the District Court, Karur. Pending the suit, now the respondents are attempting to register a document, the petitioner has given an objection to the third respondent. Since the same was not considered, the petitioner has filed this Writ Petition seeking for the aforesaid relief.

3. Heard the learned counsel for the petitioner, the learned Additional Government Pleader appearing for the respondents 1 and 2 and the learned



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counsel appearing for the third respondent and perused the materials available on record.

4. Considering the facts and circumstances of the case, this Court is of the view that the right of the petitioner has not been established. If the suit is decreed in favour of the petitioner, any transfer is always subject to the judgment and decree. In such view of the matter, the prayer sought for by the petitioner cannot be granted and the Writ Petition is liable to be dismissed.

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

29.08.2024

NCC : Yes/No
Index : Yes/No
vsm



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To

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- 1.The District Registrar,
Karur District,
Karur.
- 2.The Sub Registrar,
Krishnarayapuram Sub Registrar Office,
Karur District.

N.SATHISH KUMAR, J.



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