



W.P.(MD).No.24616 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.24616 of 2024
and
W.M.P(MD).No.20961 of 2024

K.R.Srinivasan

Vs.

... Petitioner

1.The Sub Registrar Joint IV,
Madurai South,
No.50, Visalam VMR Complex,
2nd Floor, By-pass Road,
Madurai.

2.M.S.Senthil Babu @ Viswanathan,

3.K.Govindarajan

4.Vasantha

5.Rajasekar

6.S.Saravanan

7.Rajee @ Rajalakshmi

8.Shanmuga Prasad

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the first



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respondent not to register any document, deed, making any encumbrances, executed by the third respondent herein or any persons claiming under him, in respect of the property in Door No.148, Ground Floor, West Masi Street, Madurai Till the disposal of O.S.No.153 of 2022 on the file of II Additional Sub Judge, Madurai.

For Petitioner : Mr.A.Veerasamy
For R-1 : Mr.P.Subbaraj
Special Government Pleader

ORDER

This writ petition has been filed seeking for issuance of writ of mandamus to direct the first respondent not to register any document, deed, making any encumbrances, executed by the third respondent herein or any persons claiming under him, in respect of the property in Door No.148, Ground Floor, West Masi Street, Madurai Till the disposal of O.S.No.153 of 2022 on the file of II Additional Sub Judge, Madurai.

2. Heard both sides. By consent, this writ petition is taken up for final disposal at the admission stage itself.



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3. It is the case of the petitioner that the subject property originally owned by one Marimuthu Pillai. The petitioner's mother, namely, K.R.Chandra, was the tenant in the said property from the year 1962. The said Marimuthu Pillai died in the year 1978. After his death, the tenancy was continued with the legal heir of Marimuthu Pillai. After the death of K.R.Chandra, the petitioner continued to be the tenant in the said property. That apart, in the year 2002, he entered into a oral agreement with the legal heir of Marimuthu Pillai, namely, respondents 4 to 8, for purchasing the said property and in this regard, he also paid a sum of Rs.1,00,000/- as advance. But, the legal heirs of Marimuthu Pillai sold the said property to the second respondent. Thereafter, the second respondent filed RCOP for eviction and the same has been allowed. The said order was also upheld by the Appellate Authority in RCA.No.8 of 2020 and CRP.No.1980 of 2021. In the said revision petition, the second respondent has undertaken that he will demolish the building within one month from the date of handing over the possession of the said building and thereafter, within three months will construct the building and make it available for occupation. The petitioner has also filed a suit for specific performance in respect of the property in question



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in O.S.No.153 of 2022 before the II Additional Subordinate Court, Madurai. In the meanwhile, the second respondent without acting as per his undertaken, sold the property to the third respondent. Hence, he seeks direction not to make any alienation in respect of the property in question.

4. At the outset, this Court is of the view that the prayer sought for by the petitioner can not be issued, at this stage. It is for the petitioner to work out his remedy in the pending suit. Accordingly, this Court finds no merits in this Writ Petition and the same is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

18.10.2024

Index : Yes / No

NCC : Yes / No

Rmk

To

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N.SATHISH KUMAR, J.

Rmk

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