



W.P(MD).No.26293 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 30.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD).No.26293 of 2024

and

W.M.P(MD).No.22294 of 2024

C.Muthumari

... Petitioner

Vs.,

1.The Deputy Inspector General of Registration (South Zone),
Integrated Complex of Registration Department, TNAU
Nagar, Rajagambeeram, Y.Othakadai,
Madurai.

2.The District Registrar,
District Registrar Office,
No.58/1, Cutchery Road,
Virudhunagar -09.

3.The Sub Registrar,
Sivakasi Sub Registrar Office,
No.109, Police Station Road,
Sivakasi, Virudhunagar 626 123.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents herein not to register properties which belonged to the petitioner's mother namely Late.Ramanujaammal on the petitioner's representation dated 12.12.2023 and 21.10.2024 within a reasonable time as may be fixed by this Court.



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For Petitioner : Ms.K.R.Shivashankari
For Respondents : Mr.M.Siddharthan
Additional Government Pleader

ORDER

This writ petition has been filed seeking for issuance of writ of mandamus directing the respondents herein not to register properties, which belonged to the petitioner's mother, namely, Late.Ramanujaammal, based on the petitioner's representation dated 12.12.2023 and 21.10.2024, within a reasonable time as may be fixed by this Court.

2. The case of the petitioner is that suit in O.S.No.27 of 2014 is pending before the District Court, Virudhunagar, for partition in respect of the subject property, which is now renumbered as O.S.No.51 of 2021 on the file of the Additional District Court, Virudhunagar. Pending the suit, settlement has been executed by one Uma, Ananthi and Shivamuthu, who are having only $\frac{1}{4}$ th share in the schedule property, citing that order has been passed in their favour. Hence, the petitioner has given a representation before the Sub Registrar not to register any document in respect of the suit property, however, the same has not been considered. Hence, the petitioner is before this Court.



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3. At the outset, this Court is of the view that the petitioner is trying to achieve what he could not achieve in the civil Court. If at all the petitioner have any grievance, he can move the civil Court for appropriate action. Similarly, he can also seek interim order in the pending suit. Without doing so, as a matter of right, this writ petition cannot be maintained. Further, it is also made clear that any transaction is made during the pendency of the civil suit, it will always subject to the result of the suit. The doctrine of *lis pendens* will take care of the same.

4. Accordingly, this Writ Petition is disposed of with liberty to the petitioner to approach the civil Court by filing an appropriate interim application. On such application is being made, the learned District Judge shall pass order thereon, on merits and in accordance with law, expeditiously. No costs. Consequently, connected Miscellaneous Petition is closed.

30.10.2024

NCC : Yes/No
Index : Yes/No
Rmk



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N.SATHISH KUMAR, J.

Rmk

To

- 1.The Deputy Inspector General of Registration (South Zone),
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