



W.P (MD).No.27196 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.11.2024

CORAM

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P (MD).No.27196 of 2024

Alban Joel Mano

... Petitioner

Vs.

1.The District Registrar,
District Registrar Office,
Nagercoil,
Kanyakumari District.

2.The Sub-Registrar,
Eraniel Sub-Registrar Office,
Eraniel,
Kanyakumari District.

3.Joshita Lawrence

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the second respondent to enter the Interim Injunction order passed by the learned Additional District and Sessions Judge (Fast Track Court) Kanyakumari District at Nagercoil in I.A.No.5 of 2023 in O.S.No.218 of 2023, dated 16.11.2023 with relating to the properties having an extent of 105 cents in Survey Nos.429/1, 429/2, 430/17 of Aloor Village, Aloor Panchayat, Kalkulam Taluk, Eraniel Sub-Registrar, Kanyakumari District in the Book No.1 and in the Encumbrance Certificate.



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For Petitioner : Mr.M.R.Sreenivasan
For R1 & R2 : Mr.S.P.Maharajan
Special Government Pleader

ORDER

This writ petition has been filed for a direction, directing the second respondent to enter the interim injunction order passed in I.A.No.5 of 2023 in O.S.No.218 of 2023 dated 16.11.2023, on the file of the Additional District and Sessions Judge (Fast Track Court) Kanyakumari District at Nagercoil in respect of the property comprised in Survey Nos.429/1, 429/2, 430/17 to an extent of 105 cents situated at Aloor Village, Aloor Panchayat, Kalkulam Taluk, Eraniel Sub-Registrar, Kanyakumari District.

2. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

4. The third respondent owned 35 cents in Resurvey No.429/1, 30 cents in Resurvey No.429/2 and 39.520 cents in Resurvey No.430/17. Total extent of 1 acre 4 cents 520 square links of land along with the pathway right in



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Resurvey No.429/4A2 situated at Aloor Village, Allor Town Panchayat, Kalkulam Taluk, Kanyakumari District. The third respondent intended to sell the said properties to the petitioner for a total sale consideration of Rs.50,00,000/- and on 04.01.2023 a sum of Rs.35,00,000/- was paid as advance. Accordingly, both entered into agreement of sale. In the meanwhile, the third respondent intended to sell the property to third party. Therefore, the petitioner filed a suit in O.S.No.218 of 2023, on the file of the Additional District and Sessions Court, Kanyakumari at Nagercoil for recovery of money of Rs.35,00,000/- with interest. He also filed an application under Order 38 Rule 5 r/w Section 151 of CPC in I.A.No.3 of 2023 to direct the defendant to furnish security required to satisfy the suit amount of Rs.38,36,575/-. The petitioner also filed an application in I.A.No.5 of 2023 under Order 39 Rule 1 & 2 of CPC for interim injunction restraining the defendant not to alienate the petition schedule property till the disposal of the suit. The said application was allowed by an order, dated 16.11.2023 which was presented for registration before the second respondent to record the decree in the book of records. However, it is pending without recording the same on the file of the second respondent.



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5. It is made clear that the injunction granted not to alienate the subject property and as such, the attachment before judgment application was closed. Therefore, the second respondent is directed to issue notice to the petitioner as well as the third respondent and conduct an enquiry and pass orders to record the interim injunction passed by the learned Additional District and Sessions Judge (Fast Track Court) Kanyakumari District at Nagercoil in the book of records in respect of the properties comprised in Survey Nos.429/1, 429/2, 430/17 of Aloor Village, Aloor Panchayat, Kalkulam Taluk, Eraniel Sub-Registrar, Kanyakumari District.

6. With the above direction, the writ petition is disposed of. No costs.

Internet : Yes

Index : Yes/No

Speaking/Non Speaking order
am

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WEB COPY

To

- 1.The District Registrar,
District Registrar Office,
Nagercoil,
Kanyakumari District.
- 2.The Sub-Registrar,
Eraniel Sub-Registrar Office,
Eraniel,
Kanyakumari District.



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G.K.ILANTHIRAIYAN, J.

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