



*W.P.(MD)No.28717 of 2024*

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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DATED : 02.12.2024

CORAM:

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

**W.P.(MD)No.28717 of 2024**  
**and**  
**W.M.P(MD)No.28344 of 2024**

Kannan

...Petitioner

-Vs-

1.The Inspector General of Registration,  
Registration Department,  
No.100, Santhom High Road,  
Chennai – 600 028.

2.The District Registrar(Administration),  
(South) No.171, Mahal Road,  
Madurai.

3.The Sub Registrar,  
Thirumangalam Sub Registrar Office,  
PWD Premise,  
47-48 Madurai Virudhunagar Road,  
Thirumangalam, Madurai.

4.Senthil Kumar

5.Suryakala

...Respondents

**Prayer :** Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, forbearing the respondent No.3 from not to register any document pertaining to the lands in Punjai S.No.13/2A2, Vagaikulam Village, Thirumangalam Taluk, Madurai District Compromised in



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Patta No.1338 in light of the judgment and decree in O.S.No.271 of 2021 dated 01.12.2023 on the file of the Honourable 6th Additional District Judge Madurai by considering the petitioner representation dated 24.11.2024.

For Petitioner : Mr.K.Dinesh

For Respondents : Mr.D.Sadiq Raja  
Additional Government Pleader  
for RR1 to 3

### **ORDER**

This writ petition has been filed for a direction, directing the third respondent not to register any document in respect of the property comprised in survey No.13/2A2, Vagaikulam Village, Thirumangalam Taluk, Madurai District.

2.The petitioner has lend money as loan in favour of the fourth respondent by execution of unregistered mortgage and handed over the original document in respect of the property comprised in survey No.13/2A2, Vagaikulam Village, Thirumangalam Taluk, Madurai District. Thereafter, the fourth respondent had not returned the money and as such, the petitioner filed a suit for recovery of money in O.S.No.271 of 2001 on the file of the VI District District Judge, Madurai. In the suit, the original parent deed which was handed over by the third respondent also marked as exhibit. Subsequently, the suit was decreed in favour of the petitioner by judgment and decree dated 01.12.2023.



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After the decree, the fourth respondent herein has executed the gift settlement deed in favour of his wife, namely, the fifth respondent herein by registered settlement deed vide document No.6147 of 2024. Now, the fifth respondent is trying to alienate the property. Therefore, the petitioner has submitted a representation seeking not to register any documents in respect of the said subject property.

3.Admittedly, the petitioner did not file any execution petition so far. In order to execute the decree obtained by him in O.S.No.271 of 2021, that apart the property was already settled in favour of the fifth respondent by the fourth respondent and got registered vide document No.6147 of 2024. The petitioner has also failed to obtain the attachment order while pending suit as against the fourth respondent in respect of the subject property.

5.Therefore, the petitioner failed to obtain the order of attachment restraining the registering authority to register any document in respect of the subject property. Therefore, the representation submitted by the petitioner cannot be considered by the registering authority on the ground that the property was already settled in favour of the fifth respondent who is not a party to the suit proceedings between the petitioner and the fourth respondent.



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6. In view of the above, this Court finds no infirmity or illegality in the order passed by the third respondent. Hence, this writ petition is devoid of merits and is liable to be dismissed. Accordingly, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is also closed.

**02.12.2024**

NCC : Yes/No  
Index : Yes/No  
Internet: Yes/No  
RJR

To

1. The Inspector General of Registration,  
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