



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2025

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.2678 of 2025

E.Mohamed Ibrahim

... Petitioner

Vs.

1.The Inspector General of Registration,
No.100, Santhome High Road,
Pattinapakkam,
Raja Annamalaipuram,
Chennai – 600 028.

2.The District Registrar,
Kancheepuram District Registrar Office,
Arasu Nagar, Orikkai,
Thandavaraya Nagar,
Kancheepuram 631 601.

3.The Sub Registrar,
Pammal Sub-Registrar Office,
No.29, Pammal Main Road,
Pammal,
Chennai – 600 075.

4.Mohamed Yusuf

5.Gayathri Mahadevan

... Respondents



Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to consider the representation given by the petitioner on 11.12.2024.

For Petitioner : Mr.Rekha Sivakumar

For Respondents : Mr.M.Shajahan
Special Government Pleader for R1 to R3

ORDER

This writ petition has been filed for issue of writ of mandamus directing the 1st and 2nd respondents to consider the representation made by the petitioner on 11.12.2024, wherein, the petitioner has sought for taking action against the 3rd respondent who is alleged to be entertaining illegal Sale Deeds executed by the 4th and 5th respondents.

2.Heard Ms.Rekha Sivakumar, learned counsel appearing on behalf of the petitioner and Mr.M.Shajahan, learned Special Government Pleader appearing on behalf of respondents 1 to 3.

3.The case of the petitioner is that he is running a construction business and he entered into a Construction Agreement and Purchase Agreement with the 4th and 5th



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respondents. Both the agreements were acted upon and it reached the stage of completion. In the meantime, the 4th and 5th respondents joined hands and exchanged their property and thereby, attempted to defeat the rights of the petitioner. In view of the same, the petitioner filed a suit before the competent Court seeking for the relief of specific performance and for delivery of possession. When the suit was pending, the 4th and 5th respondents were executing Sale Deed with respect to the subject property and 3rd respondent was also entertaining the document. It is under these circumstances, a representation came to be given by the petitioner to the 1st and 2nd respondents to take action and to stop the illegal registration of the Sale Deed. Since the same was not acted upon, the present writ petition has been filed before this Court.

4. In the considered view of this Court, the purpose of making a representation before the 1st and 2nd respondents is to prevent the registration of Sale Deed based on the documents presented by the 4th and 5th respondents. Since the representation was not considered, the present writ petition has been filed. The substantial dispute between the parties is pending before the competent Civil Court. It is also brought to the notice of this Court that the petitioner has filed an application seeking for interim injunction and the same is pending and in the meantime, documents are executed by the 4th and 5th respondents. In short, what the petitioner has attempted to do by filing the present writ



petition is to get an interim protection pending the suit before the competent Civil Court.

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5. It is now too well settled that a writ petition cannot be filed for the sake of obtaining an interim order when the substantial dispute is pending before the competent Court. Useful reference can be made to the judgement of the Apex Court in ***Kalabharati Advertising vs. Hemant Vimalnath Narichania and others*** reported in **2010 9 SCC 437**. This judgement was subsequently followed in ***A.J.K. Fernandez, Chairman, St. Mary Forex Bureau Pvt., Ltd., No.86, Tooting High Street, Tooting, London (U.K.) vs. The Secretary Finance, Reserve Bank of India – Operating Dept., Ministry of Finance, Government of India, North Block, New Delhi and others*** reported in **(2011) 3 MLJ 523**. Hence, the petitioner who ought to have worked out his remedy before the Civil Court by prosecuting the interim application filed seeking for interim protection, has chosen to knock the doors of this Court under Article 226 of the Constitution of India. The same is not maintainable.

6. In the light of the above discussion, the relief as sought for by the petitioner cannot be granted by this Court. It is left open to the petitioner to work out his remedy in the pending suit by seeking for appropriate interim order.



7.This writ petition is disposed of accordingly. No Costs.

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Internet : Yes
Index : Yes
Speaking Order / Non Speaking Order
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To

- 1.The Inspector General of Registration,
No.100, Santhome High Road,
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N. ANAND VENKATESH, J.

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