



W.P.No.37117 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2025

CORAM

THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

W.P.No.37117 of 2024

AND

W.M.P.Nos.40116 of 2024 & 6964 of 2025

S.Thamburaj

.. Petitioner

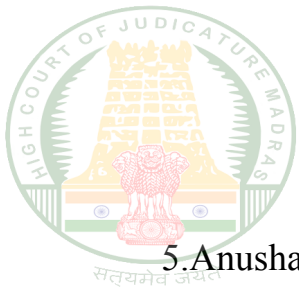
Vs

1.The District Collector/Assistant Inspector General
Registration Department
Collectorate Campus, Coimbatore

2.The Sub Registrar
Ganapathy, Coimbatore North Taluk
Coimbatore

3.The District Revenue Officer
Coimbatore
Coimbatore District

4.The Revenue Divisional Officer-cum-Sub Collector
Coimbatore North
Coimbatore



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5. Anusha Rajinikanth

Rep. through her Power Agent

M.P.Raja Suresh

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus forbearing the 2nd respondent from registering the sale deed vide document No.P29 and P30 of 2018 presented on 05.09.2018 in view of the representation made by the petitioner dated 30.10.2024, 22.11.2024.

For Petitioner : Mr.P.Tamilavel

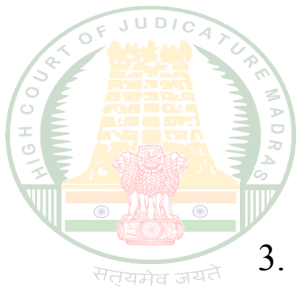
For RR1 & 2 : Mr.K.Karthik Jagannath
Government Advocate

For R5 : Mr.Sriram
Senior Counsel for Mr.J.Varun

ORDER

This writ petition has been filed for issuance of a writ of mandamus forbearing the respondents from registering the sale deed pending in document Nos.P29 and P30 of 2018 presented on 05.09.2018, in view of the representation made by the petitioner.

2. Heard both sides and perused the materials placed on record.



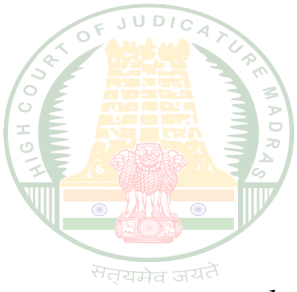
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3. The submissions were made on the side of the petitioner touching upon the merits of the case, with a specific plea that the private respondent does not have any right or title over the subject property.

4. This Court need not go into the merits of the case, in view of certain subsequent developments that have been taken place in this case. The private respondent had earlier filed a writ petition in W.P.No.12742 of 2022, challenging the proceedings of the Sub Registrar dated 07.04.2022, refusing to entertain the sale deeds and for a consequential direction to the Sub Registrar to register the documents which are kept pending in document Nos.P29 and P30 of 2018. This writ petition was disposed of by an order dated 13.05.2022. The relevant portion in the order is extracted herein:

“8. I therefore hold that the second respondent could not have refused to register the sale deed presented by the writ petitioner. Accordingly, the order impugned in the writ petition is set aside and the writ petition is allowed. The second respondent is directed to register the petition mentioned sale deed subject to compliance of other formalities.

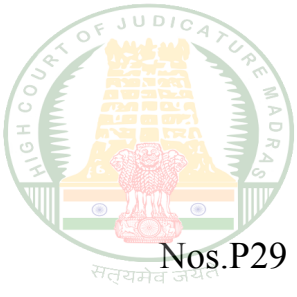


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9. *I place on record the undertaking given by the writ petitioner through her counsel that the petitioner would not alienate or encumber the subject property in any manner till the revenue proceedings attain finality. No costs."*

5. As against the order passed by the learned Single Judge in W.P.No.12742 of 2022, two appeals came to be filed. One appeal was filed by Palanisamy in W.A.No.2504 of 2023. The other appeal was filed by the Registration Department in W.A.No.1882 of 2023. Insofar as the appeal filed by Palanisamy, it was dismissed as withdrawn, by an order dated 06.06.2024. Insofar as the appeal filed by the Registration Department, the writ appeal came to be dismissed, by an order dated 13.06.2024 and as a result, the order passed by the learned Single Judge in W.P.No.12742 of 2022 was confirmed.

6. In the light of the above order, the relief as sought for by the petitioner, cannot be sustained. Already there is a direction issued by the learned Single Judge of this Court to register the documents that were pending in document



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Nos.P29 and P30 of 2018. This order has been confirmed in the writ appeal.

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While so, if another learned Single Judge of this Court allows this writ petition and grants the relief as sought for by the petitioner, it will be running contrary to the earlier direction issued by the learned Single Judge, which direction was subsequently confirmed by the Division Bench. Judicial discipline requires that while dealing with a writ petition, the Court must look into the relief that has been sought for in the writ petition and see if such a relief can be granted. The relief as sought for in this writ petition will not survive, in view of the order dated 13.05.2022 that was passed in W.P.No.12742 of 2022, which was subsequently confirmed by the Division Bench in W.A.No.1882 of 2023 by judgment dated 13.06.2024.

7. The learned counsel for the petitioner was repeatedly harping upon the issue regarding the right and title over the property and was contending that the private respondent did not have any semblance of right over the property. The



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issue raised in the present writ petition must be considered in line with the relief that has been sought for in this writ petition. Even if this Court is to agree with the stand taken by the petitioner to the effect that the private respondent does not have the right or title over the property, it will not be possible to grant the relief as sought for in this writ petition, in view of the order dated 13.05.2022 passed in W.P.No.12742 of 2022, which was confirmed in W.A.No.1882 of 2023 by judgment dated 13.06.2024.

8. In the result, this writ petition stands dismissed and it is left open to the petitioner to work out his remedy in the pending suit O.S.No.1415 of 2018 on the file of the I Additional District Court, Coimbatore. The mere registration of the sale deed or any of the observations that were made in the earlier orders passed by this Court and also in the present order, will have no bearing in the civil Court deciding the *inter se* right and title of the parties in the pending civil suit. All the grounds can be raised before the civil Court and the same will be considered on its own merits and in accordance with law. The earlier orders that were passed and the



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present order that was passed in this writ petition merely confines itself to the registration of the sale deed before the registering authority and there is nothing further touching upon the right and title over the property. No costs. Connected W.M.P.s are closed.

28.02.2025

gya

Index : Yes/No

Neutral Citation : Yes/No

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N. ANAND VENKATESH, J.

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