



W.P.(MD)Nos.4530 and 4598 of 2025

WEB CO BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.02.2025

CORAM:

THE HONOURABLE Mr.JUSTICE V. LAKSHMINARAYANAN

W.P.(MD)Nos.4530 and 4598 of 2025

and

W.M.P(MD)Nos.3250 and 3297 of 2025

W.P.(MD)No.4530 of 2025

Ganesan

... Petitioner

Vs.

1. The Sub-Registrar,
Sub-Registrar Office,
Chekkanoorani,
Madurai District.

2. G.Sundaradevi

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus directing 1st respondent not to register any document to be produced by the 2nd respondent in respect of the property in Survey No. 334/8, 334/9, 334/10, 334/11, 334/12C3, 334/12D and 334/12G situate in Karadikkal Village, Madurai District by graciously considering the representation dated 11.12.2024 within a stipulated time as may be fixed by this Honble Court.



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For Petitioner : Mr.N.Balasubramanian
For R1 : Mr.N.Ramesh Arumugan
Government Advocate

W.P.No.4598 of 2025

P.Vairavan ... Petitioner
Vs.

1. The Sub-Registrar,
Sub-Registrar Office,
Chekkanoorani,
Madurai District.

2. G.Sundaradevi ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus directing 1st respondent not to register any document in respect of the property in Survey No. 334/12C to an extent of 28 cents in Doc.No.633/1987 situate in Karadikkal Village, Madurai District by graciously considering the representation dated 11.12.2024 within a time stipulated as may be fixed by this Honble Court.

For Petitioner : Mr.N.Balasubramanian
For R1 : Mr.P.T.Thiraviam
Government Advocate



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COMMON ORDER

It is the claim of the petitioner in W.P.(MD) No.4598 of 2025 that he is the owner of the property in Survey No.334/12C and the claim of the petitioner in W.P.(MD) No.4530 of 2025 that he is the owner of the property situated in Survey Nos.334/8, 334/9, 334/10, 334/11, 334/12 C3, 334/12D and 334/12G. All the properties situated in Karadikkal village, Thirumangalam Taluk, Madurai District. Between the petitioners in both the writ petitions and the second respondent (who is common), suits are pending in O.S.No.136 of 2015 and O.S.No.308 of 2014 before the District Munsif Court at Thirumangalam.

2. Pleading that the second respondent is attempting to present a document and thereby creating encumbrance over the property, the writ petitioners gave a representation to the Sub Registrar on 11.12.2024 not to permit any such alienation, encumbrance, etc. As the same has not been considered, the present writ petitions are before this Court.



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3. I heard Mr.N.Balasubramanian, for the writ petitioners, Mr.N.Ramesh Arumugam, Government Advocate for the first respondent in W.P(MD) No.4530 of 2025 and Mr.P.T.Thiraviam, Government Advocate for the first respondent in W.P.(MD) No.4598 of 2025.

4. For the mere fact that suits are pending does not mean there is a bar for the Sub Registrar from receiving a document. It is always open to the petitioners herein to move an application for an interim injunction restraining the second respondent herein from alienating the property in the suits itself.

5. When this was pointed out to Mr.N.Balasubramanian, he stated that evidence has been completed in the suits and it was posted for arguments. At that stage, their opponent had moved transfer O.P.Nos.21 and 22 of 2022 before the learned Principal District Judge at Madurai to transfer the suites in O.S.No.308 of 2014 and O.S.No.136 of 2015 from the file of District Munsif Court at Thirumangalam to the file of Additional District Munsif Court at Madurai Town for disposal along



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with O.S.No.1478 of 2005.

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6. I sought a report from the learned Principal District Judge at Madurai. The learned Judge has sent a report stating that the transfer O.Ps are pending and the suits are listed at the stage of arguments. He has not disclosed if there are any interim orders in both the transfer O.Ps. In case, there are no interim orders restraining the learned District Munsif from proceeding further with the suits, then, the mere pendency of the transfer O.Ps in itself need not stand in the way of the learned Judge taking of the suits for disposal.

7. In any event, even if any alienations are made by the second respondent, Section 52 of the Transfer of the Property Act, 1882 will come to the rescue of the petitioners.

8. As there is no bar under the Act, I cannot issue a mandamus as sought for by Mr.N.Balasubramaian's clients. Consequently, with the above observations, these writ petitions fails.



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9. Accordingly, these writ petitions are dismissed. No costs.

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Consequently, connected writ miscellaneous petitions are closed.

20.02.2025

NCC : Yes/No

Index : Yes/No

Internet : Yes

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V. LAKSHMINARAYANAN, J.

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To

1. The Additional District Munsif Court,
Madurai

2. The Sub-Registrar,
Sub-Registrar Office,
Chekkanoorani,
Madurai District.

W.P.(MD)Nos.4530 and 4598 of 2025
and
W.M.P(MD)Nos.3250 and 3297 of 2025

Dated : 20.02.2025