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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.07.2025

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.10805 of 2025

V.Nallamayan

... Petitioner

Vs

1. The Sub Registrar,
Andipatti, Theni.

2. P.Jeyachandran

3. R.Sivakumar

4. P.Ramraj

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the 1st respondent in Refusal Check Slip No. RFL/Andipatti/21/2025 dated 29.03.2025 and quash the same and consequently to direct the 1st respondent to register and release the document within the time fixed by this Court.

For Petitioner : Mr.H.Arumugam



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For R1 : Mr.S.Kameshwaran
Government Advocate
For R2 & R3 : Mr.V.S.Rishikesh
For R4 : Mr.S.Balaji

ORDER

The present Writ Petition has been filed for the issuance of Writ of Certiorarified Mandamus, to quash to quash the impugned Refusal Check Slip No. RFL/Andipatti/21/2025 dated 29.03.2025 issued by the 1st respondent and consequently direct the 1st respondent to register and release the document within stipulated time.

2. The petitioner has purchased the disputed land from the respondents 2 & 3. The respondents 2 and 3 are the owners of the property as well as land promoters. The 4th respondent is the owner of the neighbouring land who had submitted protest petition.

3. The 4th respondent has filed a detailed counter wherein it is alleged that the 2nd and 3rd respondents is selling the property without disclosing the



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registered agreement in Doc.No.964 of 2022 between the 4th respondent and 2nd and 3rd respondents. In the said registered agreement the 2nd and 3rd respondents have agreed that they would not disturb the 4th respondent pipeline laid for agriculture purpose. Regarding the same the 4th defendant had filed O.S.No.200 of 2017 on the file of Sub Court, Theni against the 2nd and 3rd respondents and the same was allowed on 02.04.2018. Based on the judgment the 4th respondent had filed Crl.O.P. (MD)No.15542 of 2018 for police protection to fence the 4th respondent land and the same was allowed on 31.08.2018. The water pipeline is being used for the agricultural purpose for the past 40 years. But the 2nd and 3rd respondents is laying a road above the water pipeline in the petitioner's land and using the same as pathway to the said plots. In future if there is any problem in water pipeline the petitioner would not be properly rectify the same. Hence, the 4th respondent had entered into agreement with the 2nd respondent namely Arun @ Jeyachandran in Doc.No.964 of 2022. Further it is stated that a suit is also pending in O.S.No.58 of 2020 on the file of Aundipatti Munsif Court, Theni District. Based on the above facts, the 4th respondent had submitted the protest petition.



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4. It is seen that the 4th respondent had laid water pipeline and the 2nd and 3rd respondents have laid road over the said water pipeline, thereby the underground water pipeline would be disturbed. And there is an agreement wherein the 2nd and 3rd respondents have agreed not to use the area for any purpose. In spite of the same the respondents 2 and 3 had sold the said place to the petitioner. Aggrieved by this, the 4th respondent had filed an objection before the 1st respondent and based on this objection, the 1st respondent passed the present impugned order.

5. After hearing the rival submissions, this Court is of the considered opinion that the 1st respondent cannot sit as Civil Court and try to settle the dispute between the petitioner and the 2 to 4 respondents. Therefore, the impugned order, dated 29.03.2025 issued by the 1st respondent is hereby quashed.

6. It is seen that the petitioner and all parties including the Sub Registrar are shown as defendants in the suit. Therefore, all the parties are directed to adjudicate the issue and adhere to the Judgment that would be passed in the suit in



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(*)O.S.No.58/2020. All pleas are available to all parties including the plea of lis pendense. The 1st respondent is directed to register and release the document within a period of four weeks from the date of receipt of a copy of the order. However, it is made clear that the above observations are made for the issue raised in the present writ petition and the same shall not be an impediment for the parties to the issue raised in the suit. The Civil Court is directed to consider the issue uninfluenced by the observations made supra.

7. With these observations, this Writ Petition is allowed. There shall be no order as to costs.

(*)Substituted as per Order of this Court dated 29.07.2025 made in WP(MD)No. 10805 of 2025

Sd/- (07.07.2025)

// True Copy //

Assistant Registrar(CS III)

/ / 2025

Sub Assistant Registrars CS (I/II/III/IV)

KSA



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To

The Sub Registrar,
Andipatti,
Theni.

+1 CC to M/s.S.BALAJI, Advocate (SR-40916[F] dated 08/07/2025)

+1 CC to M/s.H.ARUMUGAM, Advocate (SR-40972[F] dated 08/07/2025)

+1 CC to M/s.SPL GP (SR-41100[F] dated 08/07/2025)

W.P(MD)No.10805 of 2025

DATED : 07.07.2025

JJ/07.08.2025 6P/ 5C

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