



W.P.(MD)No.23277 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.08.2025

CORAM:

THE HONOURABLE **MR.JUSTICE SHAMIM AHMED**

W.P.(MD)No. 23277 of 2025

S.Kathiravan,
S/o.Sounderarajan,
No.28G, Puthumanai Street,
Vicramasingapuram,
Ambasamudram Taluk,
Tirunelveli District.

...Petitioner

Vs

- 1.The Sub Registrar,
Sub Registrar Office,
Ambasamudram,
Tirunelveli District.
- 2.G.Hari Ram Prasath,
S/o.Gopalakrishnan,
No.2B/1 Gomathi Nagar,
Teacher Colony,
Ambasamudram,
Ambasamudram Taluk,
Tirunelveli District.

...Respondents



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Prayer:- Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari and Mandamus, calling for the records pertaining to the impugned Refusal proceedings in Aa.Thi.Mu.No. 148/2025 dated 01.08.2025 was issued by the 1st Respondent and quash the same as illegal and consequently direct the 1st Respondent to take on file the Petitioner objection petition dated 30.07.2025 in respect of the property in Survey No.131, Plot No.39 to the extent of 4.12 cents equal to 166.9 Square meter situated at Mela Ambasamudram Village, Ambasamudram Taluk, Tirunelveli District, within a stipulated period as framed by this Court.

For Petitioner : Mr.C.Saravana Kumar

For Respondents : Mr.S.Saji Bino
Special Government Pleader
R-1

ORDER

1. Heard Mr.C.Saravana Kumar, learned counsel appearing for the Petitioner and Mr.S.Saji Bino, learned Special Government Pleader, who accepts notice for the 1st Respondent. Since the writ petition is disposed of at the admission stage itself and in view of the order to be passed in this writ petition, notice to the second respondent is dispensed with.
2. This Writ Petition has been filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari and Mandamus, calling for the



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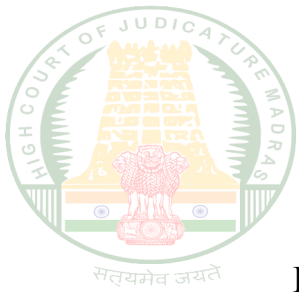
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records pertaining to the impugned Refusal proceedings in Aa.Thi.Mu.No.148/2025 dated 01.08.2025 issued by the 1st Respondent and quash the same as illegal and consequently direct the 1st Respondent to take on file the Petitioner objection petition dated 30.07.2025 in respect of the property in Survey No.131, Plot No.39 to the extent of 4.12 cents equal to 166.9 Square meter situated at Mela Ambasamudram Village, Ambasamudram Taluk, Tirunelveli District.

3. The facts of case, in a nutshell, led to filing of this Writ Petition and necessary for disposal of same, are as follows:-

(a) The Petitioner and the 2nd Respondent have been childhood friends.

Between the years 2015 and 2021, the Petitioner was employed in the United States of America. During that period, the Petitioner decided to invest his savings in purchasing house site plots in the Ambasamudram area for future security. The 2nd Respondent informed the Petitioner that a house site plot was available at Ezhil Nagar, Ambasamudram and he further assured the Petitioner that if the Petitioner sent money for the purchase, the 2nd Respondent would buy the property in his own name and later transfer it to the



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Petitioner's name upon his return from abroad. Believing the assurance of the 2nd Respondent, the Petitioner transferred a total sum of Rs.11,50,000/- from his ICICI Bank Account to the 2nd Respondent's Karur Vysya Bank Account during the years 2017 to 2018.

(b) Subsequently, the 2nd Respondent purchased a property bearing Survey No.131, Plot No.39, measuring 4.12 cents (equivalent to 166.9 square meters), situated at Mela Ambasamudram Village, Ambasamudram Taluk, Tirunelveli District from one Mariyammal through a registered sale deed vide Document No.681/2018 dated 30.04.2018, but in the name of the 2nd Respondent. In the year 2021, the Petitioner returned to India permanently. In the same year, two other properties were transferred from the 2nd Respondent to the name of the Petitioner's wife and one another property was transferred from the name of the 2nd Respondent's wife to the name of the Petitioner. However, the aforementioned property in Survey No.131 still remains in the name of the 2nd Respondent.

(c) The Petitioner repeatedly requested the 2nd Respondent to transfer the said property to his name. However, the 2nd Respondent



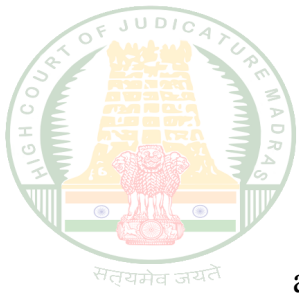
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postponed the same on frivolous and vexatious grounds. Upon verifying the Encumbrance Certificate, the Petitioner was shocked to discover that the 2nd Respondent had executed a registered Sale Agreement in favour of one R. Joseph Mathiazhagan vide Document No.1803/2023 dated 29.09.2023. When the Petitioner questioned the 2nd Respondent regarding the said transaction, the 2nd Respondent threatened the Petitioner, warning that the Petitioner's life would be at risk if the matter was pursued further. Only thereafter, the Petitioner realized that he had been purposefully deceived by the 2nd Respondent and his wife.

(d) The Petitioner immediately lodged a detailed complaint dated 30.06.2025 with the Deputy Superintendent of Police, Ambasamudram. The said complaint is currently under enquiry. During the pendency of the enquiry, the 2nd Respondent made attempts to alienate the above-mentioned property. In the year 2024, the 2nd Respondent borrowed a sum of Rs.11,00,000/- from the Petitioner's wife and executed a promissory note in her favour. The Petitioner's wife has filed a civil suit in O.S. No.202 of 2025 on the file of the District Judge, Tirunelveli, for recovery of the said



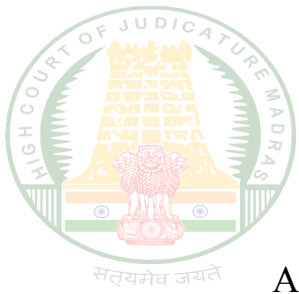
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amount. In the meantime, the 2nd Respondent again attempted to illegally sell the disputed property to third parties. Therefore, the Petitioner submitted an objection petition dated 30.07.2025 to the 1st Respondent, requesting that the 2nd Respondent not be permitted to alienate the said property, in light of the pending criminal complaint and the fraudulent conduct of the 2nd Respondent. The Petitioner also paid the prescribed fee for filing the objection. However, the 1st Respondent, by impugned proceedings dated 01.08.2025 in Aa.Thi.Mu.No.148/2025, returned the Petitioner's objection petition on the ground that registered documents or revenue records had not been submitted to establish the Petitioner's right over the property. The 1st Respondent failed to properly consider the facts and the pending complaint regarding the fraudulent conduct of the 2nd Respondent. Aggrieved over the same, the present Writ Petition has been filed.

4. Mr.C.Saravana Kumar, learned counsel for the Petitioner, submits that the Petitioner, having been cheated by the 2nd Respondent, is left with no other remedy but to approach this Hon'ble Court under

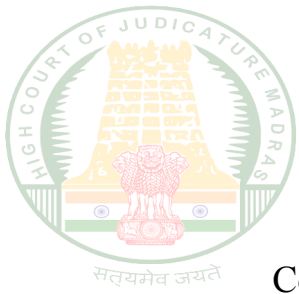


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Article 226 of the Constitution of India, seeking to challenge the impugned proceedings of the 1st Respondent dated 01.08.2025 and to prevent further alienation of the disputed property.

5. Mr.S.Saji Bino, the learned Special Government Pleader appearing for the 1st Respondent, raised a preliminary objection as to the maintainability of the Writ Petition. He submitted that the Writ Petition is not maintainable before this Court, as the dispute is purely private in nature. He further submitted that the Writ Petition is wholly frivolous and that the Petitioner is not entitled to invoke the writ jurisdiction of this Court under Article 226 of the Constitution of India. Accordingly, he prayed for dismissal of the Writ Petition.
6. After hearing the submissions made by the learned counsel for the parties and upon perusal of the averments made in the Writ Petition, this Court is of the considered view that the present Writ Petition is not maintainable, as the dispute is purely of a private nature between individuals. Such a dispute ought to be adjudicated before the competent civil forum and not by invoking the writ jurisdiction of this



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Court under Article 226 of the Constitution of India. The Petitioner may avail remedies before the competent forum, in accordance with law.

7. With the above observations, this Writ Petition is **dismissed** granting liberty to the petitioner to pursue his remedies before the competent forum in accordance with law. There shall be no order as to costs.

28.08.2025

Index:Yes/No
Web:Yes/No
Speaking/Non Speaking
Nsr

To:

The Sub Registrar,
Sub Registrar Office,
Ambasamudram,
Tirunelveli District.



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SHAMIM AHMED, J.

Nsr

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