



W.A.(MD)No.2498 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.09.2025

CORAM:

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**
AND
THE HONOURABLE **MR.JUSTICE C.KUMARAPPAN**

W.A.(MD)No.2498 of 2025
and
C.M.P(MD)No.14398 of 2025

P.Ramaraj ... Appellant/4th Respondent

Vs.

1.V.Nallamayan ... 1st Respondent/Petitioner

2.The Sub-Registrar,
Aundipatti,
Theni District.

3.P.Jeyachandran

4.R.Sivakumar

... Respondents 2 to 4/
Respondents 1 to 3

PRAYER:- Writ Appeal filed under Clause XV of Letters Patent Act, to set aside the order made in W.P.(MD)No.10805 of 2025 dated 07.07.2025 on the file of this Court.



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For Appellant : Mr.M.Ganagurunathan
for Mr.K.Samidurai
For R – 1 : Mr.H.Arumugam
For R – 2 : Mr.S.P.Maharajan
Special Government Pleader

JUDGMENT

(Judgment of the Court was made by **DR.ANITA SUMANTH, J.**)

The present appellant is R4 in Writ Petition. The Writ Petition was filed by the first respondent in this Appeal, challenging the order passed by the Sub Registrar, Andipatti, Theni, being a refusal check slip bearing No.RFL/Andipatti/21/2025 dated 29.03.2025 and a consequential direction to the Sub-Registrar to register and release the document within a time frame to be fixed by the Court.

2.The subject matter in the Writ Petition pertains to the land in Survey No.393/1 admeasuring 1 acre 64 cents (hereinafter referred to as 'land/subject land'). There is no dispute as regards the ownership of the subject land, which stood transferred by the original owner to R2 and R3



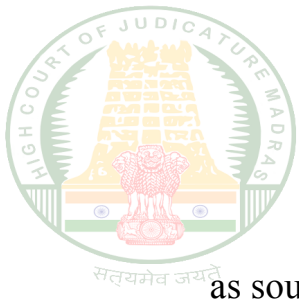
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in Writ Petition. They are stated to have sold the land subsequently to the writ petitioner, arrayed as R1 before us. The only claim by the appellant relates to an agreement which he claims to have entered into with the original vendor regarding a water pipeline that purportedly runs beneath the subject property.

3.The appellant would submit that he has been using the pipeline for agricultural purposes in his land which adjoins the subject land for the past more than four decades. According to him, the private respondents propose to lay a road upon the subject land for providing access to plots that have been laid in the subject property. In such circumstances, he apprehends that he would not be in a position to repair the pipeline as necessary.

4.The learned Judge, while disposing the Writ Petition on 07.07.2025, has noted the pendency of a civil suit in O.S.No.58 of 2020 on the file of the Aundipatti Munsif Court, Theni District. She was of the view that there is nothing erroneous in the registration of the document



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as sought for and directed release of the document within a period of four weeks. As regards the issues raised in the suit, the parties were directed to pursue the same in accordance with law. We do not find anything untoward in the order of the writ Court for the following reasons:

(i) The appellant does not dispute the title of the private respondents to the subject property. In such circumstances, he cannot be legitimately aggrieved by the laying of a road over the property.

(ii) The argument of the appellant that the original owner ought to have disclosed the registered agreement entered into by him with the original owner for using the pipeline, does not appeal to us for the reason that that agreement is not before the Court and hence, the Court is unaware of the contents of the same.

(iii) The plaint which has been produced before us does not disclose any prayer in regard to any easementary right that the appellant may hold in regard to land running over the pipeline and hence we do not



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find it appropriate for this Court to consider any such right in a petition filed under Article 226 of the Constitution of India.

(iv) Needless to state, the observations made in this Writ Appeal are only qua the present litigation and shall not affect the outcome of the civil suit.

5.In the light of the aforesaid discussions, this Writ Appeal is dismissed, confirming the order of the writ Court. No costs. Consequently, connected Miscellaneous Petition is closed.

[A.S.M.J.] & [C.K.J.]
01.09.2025

NCC :Yes/No
Index :Yes/No
Internet :Yes
ps



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To

The Sub-Registrar,
Aundipatti,
Theni District.



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DR.ANITA SUMANTH, J.
AND
C.KUMARAPPAN, J.

ps

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