



W.P.(MD)No.31307 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **02.01.2025**

CORAM:

THE HONOURABLE **MR.JUSTICE G.K.ILANTHIRAIYAN**

W.P.(MD)No.31307 of 2024

and

W.M.P.(MD)No.26224 of 2024

A.Thangaraj

... Petitioner

/Vs./

1. The Inspector General of Registration,
100, Santhome High Road.,
Pattinapakkam, Santhome,
Raja Annamalaipuram,
Chennai 600 028.
2. The Deputy Inspector General
of Registration,
The Deputy Inspector General Office,
TNAU Nagar, Rajagambeeram,
Madurai 625 107.
3. The District Registrar
Madurai North District Registrar Office,
TNAU Nagar, Rajagambeeram,
Madurai 625 107
4. The Sub Registrar
Melur East Sub Registrar Office,
Sivagangai Road, Melur,
Madurai District.



W.P.(MD)No.31307 of 2024

WEB COPY

5. The Tax Recovery Office-I
Having His Office at C.R.Building,
Income Tax Office,
No.2, V.P.Rathnasamy Nadar Road,
Bibikulam, Madurai 625002

6. V.Alagi
7. C.Pushpam
8. V.Chinnammal
9. V.Thavaselvam
10. I.Lavanya
11. V.Suganya
12. S.Parvathi

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing, the fourth respondent not to register any documents relating to the suit properties in O.S.No.413 of 2022 and O.S.No.414 of 2022 on the file of the 1st Additional District Judge Madurai property situates in S.No.382/1 (Now S.No.382/1J2) in Navinipatti Village Melur Taluk Madurai District to an extent of Northern side 32 Cents out of 3 Acre 26 Cents by the Respondents No.6 to 12 or their agents to third parties, based on the petitioner's representation dated 04.12.2024.

For Petitioner : Mr.S.A.Ajmalkhan

For Respondents : Mr.S.P.Maharaja

Special Government Pleader for R1 to 4



W.P.(MD)No.31307 of 2024

WEB COPY

ORDER

This writ petition has been filed seeking for a mandamus, to direct the fourth respondent not to register any documents relating to the property comprised in S.No.382/1 (Now S.No.382/1J2) in Navinipatti Village, Melur Taluk, Madurai District, to an extent of Northern side 32 Cents, out of 3 Acres 26 Cents, by the respondents 6 to 12 or their agents to third parties, based on the petitioner's representation dated 04.12.2024.

2. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3. The property comprised in Survey No.382/1, to an extent of 3 Acres 26 Cents situated in Navinipatti Village, Melur Taluk, Madurai District owned by one Vellai. He had two wives. Sixth respondent is the first wife and Eighth respondent is the second wife of said Vellai. The respondents 7 and 9 to 12 are the children. While being so, the said Vellai died without clearing income tax arrears. Therefore, the Income Tax Department created charge over the subject property and the same



W.P.(MD)No.31307 of 2024

was registered vide document No.1/2023, dated 28.01.2023, thereby created charge over the property. Out of 3 Acres 26 cents, some extent of the property was allotted in favour of first wife and her daughter. Thereafter, they had entered into an agreement with the petitioner and received substantial amount as an advance towards sale consideration. Thereafter, they failed to execute the sale deed in favour of the petitioner and as such, the petitioner constrained to file a suit in O.S.No.414 of 2022, for specific performance, on the file of the First Additional District Judge, Madurai and it is pending for trial. While pending the suit, the respondents 6 to 12 are attempting to alienate the subject property to third parties. Therefore, the petitioner submitted objection before the fourth respondent. In fact, on receipt of the same, the fourth respondent also issued notice to the petitioner for enquiry and directed the petitioner to appear on 27.12.2024. However, it was received by the petitioner, after 27.12.2024 and as such, the petitioner could not be able to attend the enquiry.

4. The learned Special Government Pleader appearing for the respondents 1 to 4, on instructions, would submit that sofar no document



W.P.(MD)No.31307 of 2024

has been received for registration from the respondents 6 to 12, in respect of the subject property. However, if any document presented for registration in respect of the subject property by the respondents 6 to 12 herein, the fourth respondent is directed to issue notice to the petitioner and the counter parties, to conduct enquiry and pass orders on merits and in accordance with law, after giving opportunity to the parties.

4. With the above direction, the writ petition stands disposed of.

No costs. Consequently, connected Miscellaneous Petition is closed.

02.01.2025

Internet : Yes/No
NCC : Yes / No
LS

TO:-

1. The Inspector General of Registration,
100, Santhome High Road.,
Pattinapakkam, Santhome,
Raja Annamalaipuram,
Chennai 600 028.
2. The Deputy Inspector General of Registration,
The Deputy Inspector General Office,
TNAU Nagar, Rajagambeeram,
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W.P.(MD)No.31307 of 2024

G.K.ILANTHIRAIYAN, J.

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3. The District Registrar
Madurai North District Registrar Office,
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4. The Sub Registrar
Melur East Sub Registrar Office,
Sivagangai Road, Melur,
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5. The Tax Recovery Office-I
Having His Office at C.R.Building,
Income Tax Office,
No.2, V.P.Rathnasamy Nadar Road,
Bibikulam, Madurai 625002.
6. The 1st Additional District Judge, Madurai.

Order made in
W.P.(MD)No.31307 of 2024

Dated:
02.01.2025