

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.25894 of 2014

1. M.Maria Rajam
2. K.Michael Arokiam

... Petitioners

vs.

1. The Inspector General of Registration
Office of the Inspector General Registration,
No.100, Santhome High Road,
Chennai - 600 028
2. The District Registrar (Administration)
Assistant Inspector General Grade,
No.9, Jennis Road, Saidapet,
Chennai - 600 015

3. M.M.murugesan

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the 2nd respondent to conduct the enquiry as per the direction issued by the 1st respondent in letter no.3315/U1/2014 dated 29.04.2014.

For Petitioner : Ms.D.Selvi

For Respondents : Ms.P.Rajalakshmi

Government Advocate for R1 and R2

Mr.S.Yegna Narayanan for

M/s M.S.Vellusamy for R3

ORDER

Heard Ms.D.Selvi, learned counsel for the petitioner and Ms.P.Rajalakshmi, learned Government Advocate appearing for the 1st and 2nd respondents and Mr.S.Yegna Narayanan for Mr. M.S.Vellusamy appearing for the 3rd respondent and perused the materials available on record. With the consent of either side, the Writ Petition itself is taken up for final disposal at the admission stage.

2. The petitioner seeks for a issuance of a Writ of Mandamus directing the 2nd respondent to conduct the enquiry as per the direction issued by the 1st respondent in letter no.3315/U1/2014 dated 29.04.2014.

3. The petitioner in the said representation which was forwarded to the 2nd respondent has requested for taking action and cancelling the document nos.1317/1984 and 940/85 and there are two petitioners in this writ Petition. The first petitioner is the wife of the 2nd petitioner.

4. From the counter affidavit filed by the 3rd respondent, it is seen that the 2nd petitioner filed a criminal complaint against the 3rd respondent and his wife during the year 1994. After about 10 years after the property was registered in favour of the 3rd respondent's wife Sivanthiammal. Ultimately, the criminal court discharged the 3rd respondent and his wife in C.C.No.7617 of 1993, against which, the 3rd respondent herein has also filed Criminal Revision Petition in CrI.R.C.No.393 of 1994.

5.Subsequently, this Court in CrI.R.C.No.393 of 1994 after considering the evidence and document produced found that no criminal initiation or fraud was committed by Murugesan, who has said to have executed the document in favour of Tmt.Sivanthiammal and accordingly order passed discharging Murugesan was confirmed. Further it is seen that the 2nd petitioner has filed a Pauper O.P. before this Court against the 3rd respondent and others to set aside the sale deed Document No. 1317 of 1984, which is one of the document, sought to be set aside in this Writ Petition. The said suit is also before this Court and was numbered as C.S.No.430 of 2000 and the same has already been transferred to City Civil Court and re-numbered as O.S.No.12136 of 2010.

6.It is seen that the validity of the sale deed is now pending before the civil court and the 3rd respondent in his counter affidavit has stated that the proof affidavit has been filed in this suit and partly cross-examination has been done by the counsel for the defendants. At this stage, the Writ Petition has been filed by including the 1st petitioner, who is the wife of the 2nd petitioner and a direction is sought for to cancel the document.

7.In the light of the fact that the civil court is already seized of the matter, this Court is not inclined to entertain the

prayer sought for in this Writ Petition to issue any direction. Accordingly, the Writ petition fails and the same is dismissed. It is open to the parties to canvass the rights before the civil court in the pending suit.

Sd/-
Asst. Registrar

/true copy/

Sub Asst. Registrar.

ssd

To

1. The Inspector General of Registration
Office of the Inspector General Registration,
No.100, Santhome High Road,
Chennai - 600 028
2. The District Registrar (Administration)
Assistant Inspector General Grade,
No.9, Jennis Road, Saidapet,
Chennai - 600 015

+1cc to Mr.D.Naveen Durai Babu, Advocate, S.R.No.12909
+1cc to M/s.M.S.Vellusamy, Advocate, S.R.No.12236
+1cc to the Government Pleader, S.R.No.12563

TEJ(CO)
CA(10/03/2015)

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