



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.01.2015

CORAM:

THE HONOURABLE DR. JUSTICE S.TAMILVANAN
and
THE HONOURABLE MR. JUSTICE V.S.RAVI

W.A.(MD)No.1527 of 2014
and
M.P.(MD)No.1 of 2014

M.Syed Mohamed

... Appellant/Petitioner

Vs.

1.The Inspector General of Registration,
100, Santhome Highway,
Santhome, Chennai.

2.The Joint - I Sub Registrar (Additional Charge),
Madurai South, Madurai District. ...Respondents/Respondent

PRAYER: The Writ Appeal is filed under Clause 15 of Letters Patent Act, against the order dated 19.09.2014 passed by this Court in W.P.(MD)No.15659 of 2014.

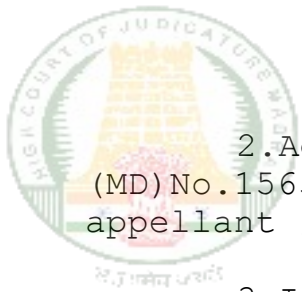
Prayer in WP(MD). 15659/ 2014: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 2nd respondent in his proceedings Nil dated 10.09.2104 and quash the same as illegal and consequentially direct the 2nd respondent to register the settlement deed dated 25.08.2014 presented by the petitioner within the period that may be stipulated by this Court.

For Appellant	: Mr.C.Venkatesh Kumar for M/s.Ajmal Associates
For Respondents	: Mr.B.Pugalendhi, Spl.G.P.

JUDGMENT

(Judgment of this Court was delivered by S.TAMILVANAN,J.)

Heard the learned counsel appearing for the appellant as well as the learned Special Government Pleader appearing for the respondents.



2. Aggrieved by the order dated 19.09.2014 passed in W.P. (MD) No. 15659 of 2014, the present Writ Appeal is preferred by the appellant / petitioner.

3. It is seen that the aforesaid Writ petition was filed by the appellant / petitioner seeking an order in the nature of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order dated 10.09.2014 passed by Joint Sub Registrar - I (Additional), Madurai South, the second respondent in the Writ petition and quash the same as illegal and consequently, direct the second respondent to register the settlement deed dated 28.02.2014 presented by the appellant / petitioner within a period specified by this Court.

4. Learned Special Government Pleader appearing for the respondents submitted that on verification, it was seen by the second respondent that there was an earlier document registered in the name of some other person with reference to the property relating to the settlement deed. Hence, the second respondent informed the appellant / petitioner that the subsequent document could not be registered by them, without clearing the title to the property.

5. The appellant / petitioner filed the aforesaid Writ petition before this Court without impleading the rival claimants, who registered the document earlier in respect of the same property.

6. Hence, the Learned Single Judge passed the order stating the second respondent has justified reasons, stating that the appellant / petitioner can re-present the settlement deed for registration after clearing the encumbrance. Though the appellant / petitioner had submitted that the aforesaid document was based on a fraudulent transaction, the Learned Single Judge found that the appellant / petitioner should first get it annulled in the manner known to law and thereafter, proceed to the second respondent for registration of the settlement deed. It cannot be disputed that the claim of the petitioner is based on a disputed question of fact and further, necessary parties were not impleaded even in the Writ petition.

7. On the aforesaid facts and circumstances, the appellant / petitioner has no legal grievance in the impugned order passed by the Learned Single Judge, hence, we are of the view that the Learned Single Judge has properly passed the order since the appellant has neither impleaded the necessary party nor approached the Civil Court to establish his title. On the facts and circumstances, seeking Ad-interim direction is only the main relief sought for in the Writ petition itself, which cannot be granted. Hence, the Writ Appeal is liable to be dismissed.



Accordingly, the Writ Appeal is dismissed. No costs.
Consequently, connected M.P. is closed.

Sd/-

Assistant Registrar (Writs)

WEB COPY

/True Copy/

Sub-Assistant Registrar

To

1. The Inspector General of Registration,
100, Santhome Highway,
Santhome, Chennai.

2. The Joint - I Sub Registrar (Additional Charge),
Madurai South, Madurai District.

+1cc to Special Government Pleader, in SR No.3629/15.

W.A. (MD) No.1527 of 2014
27.01.2015

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