

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 26.10.2017

CORAM

THE HONOURABLE MR.JUSTICE A.SELVAM

and

THE HONOURABLE MR.JUSTICE P.KALAIYARASAN

Writ Petition No.26686 of 2012

and M.P.No.1 of 2012

S.Nagamanickam
alias S.N.Manickam

... Petitioner

vs.

1.The Inspector General of Registration
100, Santhome High Road
Pattinapakkam
Chennai-600 028

2.The District Registrar
(Administration) Tiruppur

3.The Sub Registrar, Udumalpet

4.C.V.Sunny

5.Lilly Sunny

... Respondents

Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorari calling for the records relating to the order of the 2nd respondent, the District Registrar, Administration, Tiruppur, in Na.Ka.No.2533/Aa1/2012 dated 23.07.2012 and subsequently modified in his order Ref.Na.Ka.No.2533/Aa1/2012 dated 02.08.2012 and quash the said order.

For Petitioner : Mr.N.E.A.Dinesh

For Respondents : Mr.R.Vijayakumar,
Addl.Govt.Pleader for R1 to R3
Mr.M.R.Thangavel, for R4 and R5.

ORDER

(Order of the Court was made by A.SELVAM,J.)

This Writ Petition has been filed under Article 226 of the Constitution of India, praying to call for records relating to the order passed in Na.Ka.No.2533/Aa1/2012 dated 23.07.2012 and subsequently modified in Ref.Na.Ka.No.2533/Aa1/2012 dated 02.08.2012

by the 2nd respondent and quash the same by way of issuing a writ of Certiorari.

2. The learned counsel appearing for the petitioner has contended to the effect that the petitioner has married two wives. The respondents 4 and 5 herein are the children born through his second wife. On 18.09.2009, the petitioner has executed a settlement deed in favour of the daughters born through his first wife and the same has been challenged in O.S.No.31 of 1997. Against the judgments and decree passed by the trial court and the First Appellate Court, Second Appeal No.651 of 2008 is pending on the file of this court. During interregnum period, the 2nd respondent has annulled the settlement deed dated 18.09.2009 in view of the Circular No.67 dated 03.11.2011 and therefore, the orders passed by the 2nd respondent are liable to be quashed.

3. The learned counsel appearing for the respondents 4 and 5 has fairly conceded to the effect that some litigations are pending between the parties in respect of the settlement deed dated 18.09.2009 and also a Will.

4. Considering the fact that for identical issue, legal proceedings are pending before civil forum and also considering the fact that original order as well as modification order has been passed by the 2nd respondent only in pursuance of Circular No.67 dated 03.11.2011, this court is of the view that the order passed by the 2nd respondent are liable to be quashed.

In fine, this Writ Petition is allowed without costs. The order passed in Na.Ka.No.2533/Aa1/2012 dated 23.07.2012 and modified in Na.Ka.No.2533/Aa1/2012 dated 02.08.2012 by the 2nd respondent, are quashed. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

WEB COPY

nvsri

To

1.The Inspector General of Registration
100, Santhome High Road
Pattinapakkam
Chennai-600 028

2.The District Registrar
(Administration) Tiruppur

3.The Sub Registrar, Udumalpet

+1 CC to The Government Pleader SR.No.76353/17

+1 CC to Mr.N.E.A.Dinesh, Advocate SR.No.76037

CO-NRJK

ths : 22.11.2017

Writ Petition No.26686 of 2012



WEB COPY