

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.09.2019

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.No.26192 of 2019
and W.M.P.No.25559 of 2019

1.Sartaj

2.H.Shaheen

... Petitioners

Versus

1.The Inspector General of Registration,
No.100, Santhome High Road,
Mullima Nagar,
Mandavalipakkam,
Raja Annamalai Puram,
Chennai-600 028.

2.The District Registrar,
No.1, Thiruvannamalai High Road,
Krishnagiri-635 001.
Krishnagiri District.

3.The Sub Registrar,
No.4/330, Berigain Main Road,
Bazaar Street,
Shoolagiri, Hozur Taluk,
Krishnagiri-635 117.
Krishnagiri District.

4.Mrs.Ponvel

5.Sheik Abdul Wahab @ S.M.Mohammed Anwar Syed @
S.M.Anwar @ Syed Abdul Wahab

6.G.Siddharaju

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issue of Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned proceedings in Na.Ka.No.6863/0o/2018 dated 15.07.2019, District Registration Office (Administration)

Krishnagiri issued by the 2nd respondent and quash the same and consequently forbear the 2nd respondent from interfering matters pending before the civil court in respect of property in Plot No.9, comprised in S.No.361/2G of Marudhandapalli Revenue Village, Krishnagiri District.

For Petitioner : Mr.Balu.K
For Respondents : Mr.T.M.Pappiah
spl.Govt.Pleader for R1 to R3

O R D E R

The petitioners herein aggrieved by the notice issued by the District Registrar, Krishnagiri calling him to be present for enquiry proceedings schedule to be held on 22.07.2019 in respect of the complaint given by the 4th respondent regarding the document No.1296/2013 dated 02.04.2013 executed by the 5th respondent herein in favour of the 6th respondent.

2. The case of the petitioners is that the 5th respondent through his power agent P.Chinnaraj sold plot Nos.5,9, 22, 26 and 44 comprised in S. No.361/2G of Marudhandapalli Village. The sale deed is registered as Doc.No.1296/13 dated 02.04.2013. Vide the sale agreement dated 09.04.2013, the petitioners entered into agreement with the 6th respondent. Later there was a breach of contract, hence they have filed a Civil Suit in O.S.No.30/2014 on the file of Principal District Judge, Krishnagiri for specific performance. The suit decreed on 07.08.2018. The 4th respondent has given a frivolous complaint to the 2nd respondent to cancel document No.1296 of 2013. In this regard, the District Registrar has called for enquiry on 22.07.2019.

3. According to the petitioners the suit in O.S.Nos.55/2018 and 68/2015 is pending in respect of the subject property (Plot No.9). Therefore, Registrar is not an authority to call him for enquiry relating to the said documents. It will amount to interfering the civil Court jurisdiction.

4. This Court is unable to accept the said contention. The impugned notice is for the petitioners herein to appear before the 2nd respondent to ascertain the facts in view of the complaint given by Tmt.Ponvel on 20.12.2018 in respect of the registration of document No.1296/2013.

5. The petitioners instead of producing all the documents including the pleadings of the civil suit pending between the parties, has rushed to this Court and filed a writ petition seeking mandamus. It is only a notice for enquiry. No order has been passed by the District Registrar adverse to the petitioner.

6. Therefore, the petitioners shall present before the District Registrar and submit all the documents relevant to the complaint of Ponvel and explain the factual position. If any order is passed by the District Registrar, which is adverse to the petitioners then they can resort to appropriate legal remedy.

7. Hence, the writ petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CJ Conf)

/true copy/

Sub Asst. Registrar

rpl

To

1.The Inspector General of Registration,
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Mullima Nagar, Mandavalipakkam,
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Krishnagiri District.

+1 cc to Government pleader sr78703

+1 cc to Mr.K.Balu Advocate sr77096

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sv(co)
aa14/10/2019