

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 16.08.2019

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.32140 of 2017

L.N.Ganesan

...Petitioner

Vs

1.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai 28.

2.The District Registrar Administration,
Tindivanam,
Villupuram District.

3.The Sub Registrar,
Vanur,
Villupuram District.

4.The Tahsildar,
Taluk Office Vannur,
Villupuram District.

5. Kulandaivelu

6. Sugumaran

7. Pachaiyammal

8. Malini

9. Bala Prabha

10. Vijay Chintaman

11. Deepa

12. Dinika Sukhatankar

13. Jayamoorthy

14. Natarajan

15. Narayanan

16. Sankar

17. Saravanan

18. Govindaraj

..Respondents

Prayer:- The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, directing the 3rd respondent to unheld the following deeds pending on his file namely (1) Sale Deed bearing document No.7472/2007, dated 29.11.2007 (2) Sale Deed's bearing Documents Nos.2356/2013,

2357/2013, 2358/2013 dated 06.05.2013. (3) Gift Deed bearing document No.6543/2015, dated 04.12.2015 (4) General Power of Attorney deed bearing document No.3160/2016, dated 20.06.2016, (5) Sale Deed bearing Document No.3200/2016, dated 22.06.2016, (6) General Power of Attorney deed bearing document No.3201 of 2016, dated 22.06.2016 based on the order passed by the 2nd respondent by his order dated 31.07.2017 made in Na.Ka.No.13849/AA1/2016 forth with.

For Petitioner : Mr.E.Kannadasan

For Respondents: Mr.P.P.Purushothaman, G.A., for RR1 to 3

Mr.I.Sathish, AGP, for R4

Mr.V.Sakkarapani, for RR5 & 6

Mr.V.Kamala Kumar, for RR7 to 9

Mr.V.Raghavachari, for R13, R15 to 18

No Appearance for RR10 to 12, 14

ORDER

The prayer in the Writ Petition is to issue a Writ of Mandamus, directing the third respondent to unheld the following deeds pending on his file namely (1) Sale Deed bearing document No.7472/2007, dated 29.11.2007 (2) Sale Deed's bearing Documents Nos.2356/2013, 2357/2013, 2358/2013 dated 06.05.2013, (3) Gift Deed bearing document No.6543/2015, dated 04.12.2015 (4) General Power of Attorney deed bearing document No.3160/2016, dated 20.06.2016, (5) Sale Deed bearing Document No.3200/2016, dated 22.06.2016, (6) General Power of Attorney deed bearing document No.3201 of 2016, dated 22.06.2016 based on the order passed by the 2nd respondent by his order dated 31.07.2017 made in Na.Ka.No.13849/AA1/2016.

2. Heard the learned counsels appearing on either side and perused the materials available on record.

3. The learned counsel for the private respondents would state that the petitioner had already approached the Civil Court by filing a suit in O.S.No.124 of 2016 for declaration of title and for declaring the settlement deed dated 04.12.2015 and sale deed dated 22.06.2016 as null and void. It is also submitted that the private respondents have also filed a suit before the District Munsif Court, Vanur.

4. In the matter on hand, the petitioner and the private respondent make counter claim over the immovable properties. Since the petitioner had already approached the competent Civil Court by filing a suit in O.S.No.124 of 2016 before the Additional Sub Court, Tindivanam, I am of the opinion that the petitioner cannot maintain this writ petition. It would

be appropriate for the Civil Court to render finding on proper appreciation of oral and documentary evidence. In that view, this Writ Petition is closed.

5. Considering the facts, the Additional Sub Court, Tindivanam is directed to dispose of the suit in O.S.No.124 of 2016 as expeditiously as possible. No costs.

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

pvs

To

- 1.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai 28.
- 2.The District Registrar Administration,
Tindivanam,
Villupuram District.
- 3.The Sub Registrar,
Vanur,
Villupuram District.
- 4.The Tahsildar,
Taluk Office Vannur,
Villupuram District.

Copy to

The Additional Subordinate Court
Tindivanam

- +1 CC to Mr.E.Kannadasan, Advocate sr 70975.
+1 CC to Mr.V.Sakkarapani, Advocate sr 69968.
+1 CC to Govt. Pleader sr 70227.

W.P.No.32140 of 2017

SKV(CO)
SP(13/09/2019)