



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 01.08.2019

CORAM:

THE HON'BLE MR.JUSTICE K.RAVICHANDRABAABU

and

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.A. (MD)No.576 of 2019

and

C.M.P. (MD) No.4746 of 2019

1) C.Thanislas

2) Tamil Nadu Parkavakula Sangam,
No.19, Metha Nagar Main Road,
Chennai 29
Rep. through its
General Secretary,
T.Kasi Viswanatha Udayar

... 1st and 2nd Appellants /
2nd & 3rd Respondents

Vs.

1) PKC Mahal Administrative Society,
Rep. by its Secretary,
P.M.Karunandhi,
Office at Karpaga Nagar,
K.Pudur, Madurai - 7

... 1st Respondent /
Writ Petitioner

2) The District Registrar,
Madurai North,
Registration Office,
Madurai.

... 2nd Respondent/
1st Respondent

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent Act against the order made in W.P.(MD) No.4730 of 2019 dated 23.04.2019.

Prayer in WP(MD) . 4730/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorari calling for the records relating to the impugned order dated 12.02.2019, in na.ka.no.3790/E1/2018 of the 1st respondent and quash the same.

For Appellants : Mr.S.Meenakshi Sundaram,
Senior Counsel

<https://hcservices.ecourts.gov.in/hcservices/>

For R1 : Mr.G.Prabhu Rajadurai
For Mr.A.N.Ramanathan



For R2

: Mr.N.Shanmugaselvam,
Additional Government Pleader

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J U D G M E N T(Judgment of the Court was made by **K.RAVICHANDRABAABU, J.**)

1. This Writ Appeal is directed against the order made in W.P.(MD) No.4730 of 2019 dated 23.04.2019. The Appellants are the 2nd and 3rd Respondents before the Writ Court. The first Respondent herein as the Writ Petitioner challenged the order dated 12.02.2018 issued by the second Respondent herein, namely, the District Registrar, Madurai (North), Registration Office, Madurai. Through the said order dated 12.02.2018, the District Registrar directed the Writ Petitioner to alter the address referred to in the registration documents filed before the said authorities and to file Form-5 after making such alteration to that effect. The said order was passed in pursuant to the complaint made by the second respondent in the Writ Petition, who is the first Appellant in this Appeal.

2. According to the second respondent / first Appellant, the Writ Petitioner has wrongly shown the address in the documents filed for the registration of the Society, while in fact, the Writ Petitioner is not having any such office at the above said address and on the other hand, it is only the second Appellant is running the office therein. Therefore, after considering the above complaint filed by the first Appellant herein, the District Registrar passed the said impugned order. It is also seen from the order of the District Registrar that he has given a finding that the title dispute, in respect of the said property, has to be agitated only before the Civil Court since the said authority cannot decide such dispute. The said order was put to challenge before the Writ Court by the Writ Petitioner.

3. The Writ Court partly allowed the Writ Petition by deleting the portion of the impugned order which called upon the writ petitioner to alter the address and to file Form 5, as stated supra. In other words, the Writ Court sustained the order passed by the District Registrar by observing that the second Respondent / first Appellant herein is at liberty to move the jurisdictional civil court to resolve the right over the property in question and that the rights of the parties have not been adjudicated and that they are left open. It was also made clear by the writ court that the interference made in the writ petition is only to the limited extent as indicated supra, namely, with regard to the portion of the impugned order calling upon the writ petitioner to alter the address.



4. We heard the learned Senior counsel appearing for the Appellants and the learned counsel appearing for the Respondents. It is seen that there is a dispute between the parties in respect of the premises, where the Writ Petitioner as well as the 2nd appellant claim to run their office in the same premises. We find that the above dispute, purely is of a civil nature, has to be agitated and adjudicated upon only before the competent Civil Court and therefore, we find that the District Registrar as well as the Writ Court has rightly directed the parties to work out their remedy by way of filing a civil suit. Now, it is stated before this Court that in pursuant to the order passed by the Writ Court, the first Appellant has already approached the District Munsif Court, Madurai and filed O.S.No.270 of 2019 against the writ petitioner and others. Therefore, it is for the Appellants to work out their remedy in the above said suit, by way of filing interim application.

5. Since we expressed that it is a matter of civil dispute which need to be agitated only before the competent Civil Court, we are not expressing any view on the merits of the contentions raised by both the parties. Equally, we make it clear that any of the observations made by the Writ Court shall not influence the mind of the Civil Court while deciding the suit already filed by the first appellant in O.S.No.270 of 2019 on the file of District Munsif Court, Madurai.

6. With the above observations, this Writ Appeal is disposed of. No costs. Consequently, connected C.M.P.(MD) No.4746 of 2019 is closed.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

Sub Assistant Registrar(CS)

To

The District Registrar,
Madurai North,
Registration Office,
Madurai.

+1 CC to M/s.AN.RAMANATHAN, Advocate SR-79346.

Judgment made in

W.A. (MD) No. 576 of 2019

Dated:

01.08.2019