

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.09.2020

CORAM :

The HON'BLE MR.JUSTICE M.DURAISWAMY

W.P.No.7267 of 2014

S.Gnanamurugan

... Petitioner

Vs.

1. The Inspector General of Registration,
No.100, Santhome High Road,
Chennai - 600 028.

2. The District Registrar,
Chennai South,
Department of Registration,
Jeenis Road, Saidapet,
Chennai - 600 015.

3. Imran Khan

4. Rashidha Khan

... Respondents

Petition filed under Article 226 of the Constitution of India for issuing a writ of certiorarified mandamus to call for the records of the 2nd respondent and quash the order passed by him in No.3412/AA3/2013 dated 20.01.2014 and directed the respondents 1 & 2 to conduct a fresh enquiry in accordance with the Registration Rules and to initiate appropriate criminal prosecution contemplated under Section 83 of the Registration Act, 1908.

For Petitioner : Mr.M.Jayapalrajan

For Respondents : Mr.P.P.Purushothaman,
Government Advocate (R1 & R2)

O R D E R

The petitioner has filed the above Writ Petition to issue a writ of certiorarified mandamus to call for the records in respect of the order passed by the 2nd respondent dated 20.01.2014 and to quash the same and to direct the respondents 1 & 2 to conduct a fresh enquiry in accordance with the Registration Rules and to initiate appropriate criminal prosecution contemplated under Section 83 of the Registration Act, 1908.

2.The 1st respondent, by his order dated 20.01.2014, disposed of the appeal preferred by the petitioner, observing that a Civil Suit in O.S.No.7803 of 2012 on the file of the IV Assistant Judge, City Civil Court, is pending and that the petitioner and the private respondents should resolve the dispute only in the pending Civil Suit.

3.Mr.P.P.Purushothaman, learned Government Advocate appearing for the respondents 1 & 2 submitted that the petitioner had also filed a Writ Petition in W.P.No.29127 of 2013 to issue a Writ of Mandamus directing the 2nd respondent to pass orders immediately in the petition dated 28.01.2013 pending on the file of the 2nd respondent and that this Court, by order dated 30.07.2020, while dismissing the Writ Petition, observed that the petitioner as well as the respondents 3 & 4 should prosecute and contest the suits in O.S.Nos.7803 of 2012 and 4002 of 2012 pending before the trial Court in accordance with law and also directed the trial Court to decide the suits, on merits and in accordance with law, un-influenced by any of the observations made in the Writ Petition.

4.Since this Court already took note of the pending suits in O.S.Nos.7803 of 2012 and 4002 of 2012 and dismissed the earlier Writ Petition finding that the parties should resolve the dispute between them only in the pending suits, and the 1st respondent also passed the order dated 20.01.2014, finding that the parties should prosecute and contest the suit in O.S.No.7803 of 2012 and the issue cannot be decided by him in the appeal, the order passed by the 1st respondent is absolutely correct.

5.I do not find any error or irregularity in the order passed by the 1st respondent. In the event of the petitioner succeeding in the Civil Suits, he is at liberty to revive the appeal before the 1st respondent based on the decree passed in the Civil Suits.

6.With these observations, the Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

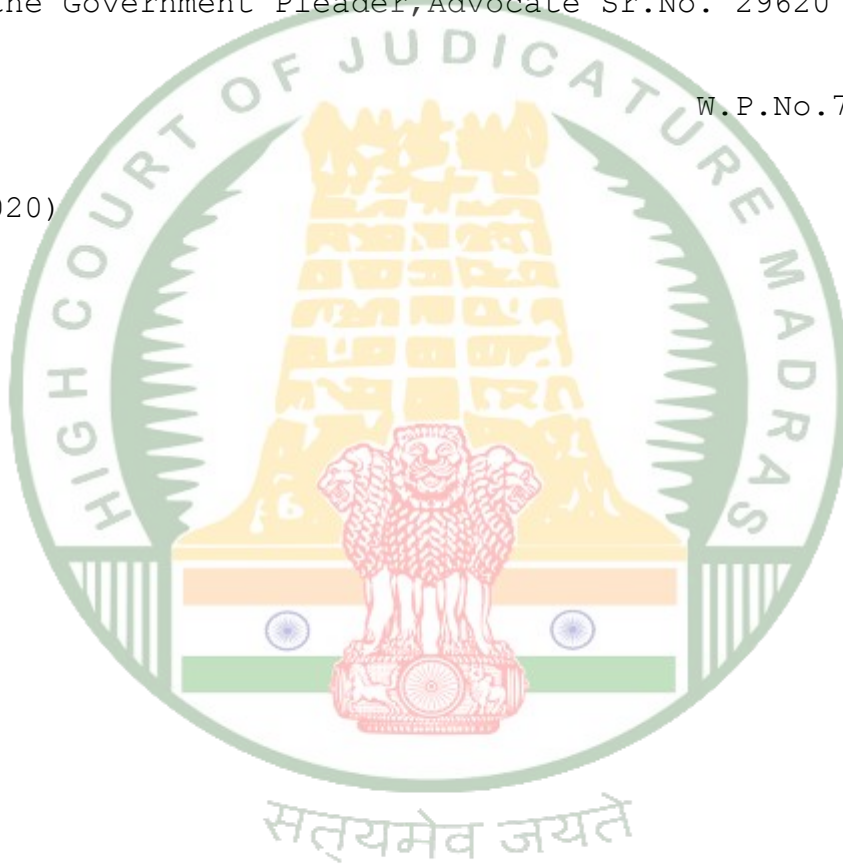
To

1. The Inspector General of Registration,
No.100, Santhome High Road,
Chennai - 600 028.
2. The District Registrar,
Chennai South,
Department of Registration,
Jeenis Road, Saidapet,
Chennai - 600 015.

+1 cc to the Government Pleader, Advocate Sr.No. 29620

W.P.No.7267 of 2014

KJ (CO)
RV (23/9/2020)



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