



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.12.2020
CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.17303 of 2020 &
WMP.No.21407 of 2020

Diocese of Chengalpet Society,
Represented by its Property
Administrator Rev.Fr.Augustin
Devadoss Bishop House,
Thimmavaram, Chengalpet

.. Petitioner

Vs

1.The Appellate Authority cum
Deputy Inspector General of Registration
District Registration office,
sGundy estate, chennai-32

2. The District Registrar, (Administration), South Chennai.

3. Fr.Stanley Sebastin,
No.4, Nungambakkam High Road, Chennai.

4. Antony Simiyon Raja,
G4 KMS Apartments,
2/37 European Lane St.,
St.Thomas Mount, Chennai.

..Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records on the file of the 2nd respondent made in Na.Ka.No.11434/E2/2018 dated 11.2.2019 which is confirmed by the 1st respondent made in Ka.No.1381/Aa1/2019 dated 24.12.2019 and quash both the orders.

For petitioner : Mrs.Selvi George

For Respondents: Mr.T.M.Pappiah,
Spl.Govt.Pleader R1 and R2

ORDER

This Writ Petition has been filed challenging the order passed by the 2nd respondent in proceedings dated 11.2.2019 confirming the order passed by the 1st respondent in proceedings dated 24.12.2019.



2. Heard Mrs.Selvi George, learned counsel appearing for the petitioner and Mr.T.M.Pappiah, learned Special Govt. Pleader appearing for the respondents 1 and 2.

3. The main grievance that has been expressed by the petitioner in this Writ Petition is that the 2nd respondent while passing the orders in proceedings dated 11.2.2019 has rendered a finding as if the subject property belongs to the ARCH Diocese of Madras, Mylapore. According to the petitioner, a substantial dispute is pending before the competent Civil Court in O.S.No.41 of 2015 and O.S.No.54 of 2015. It is stated that the petitioner was not a party in these proceedings and that the findings given by the 1st and 2nd respondents, should not have any bearing in the Civil Suit that is pending adjudication before the competent Civil Court. According to the petitioner, even though the 1st and 2nd respondents have rejected the application, a finding has been given while rejecting the application and such a finding goes against the interest of the petitioner.

4. In the considered view of this court, the findings of the 1st and 2nd respondents can never have any bearing in the proceedings pending before the competent Civil Court. The Civil Court will have to necessarily decide the suits on its own merits and in accordance with law. The Civil Court will disregard the finding given by the 1st and 2nd respondents. If this clarity is given, there will be no more grievance for the petitioner over the orders passed by the 1st and 2nd respondents.

5. This Writ Petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

msr

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

- 1.The Appellate Authority cum
Deputy Inspector General of
Registration, District Registration Office,
Chennai Region, Gundy Estate Chennai.
2. The District Registrar (Administration), South Chennai,

+1 cco to M/s.selvi George, Advocate SR.NO.39622

+1 cc to Government Pleader Sr.No. 39814

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SDR 18/12/2020,A.SK(07.01.2021)