



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **12.03.2021**

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THE HONOURABLE MR.JUSTICE **V.PARTHIBAN**

WEB COPY

W.P. (MD) Nos.5315 & 5320 of 2021

and

W.M.P. (MD) Nos.4249, 4253 and 4254 of 2021

S.P.N.Sathyamoorthy

.. Petitioner in both W.Ps.,

Vs

1.The District Registrar (Admin),
Tiruchirapalli Registration District,
Trichy.

2.M.Pratap

3.Solomon Devaraj

4.J.Govindarajan

5.Ethirajam Ammal

6.Emili Richard

7.Palanichami

8.Suryabegum

9.Nirmala

10.Dhanalakshmi

11.Vinoth

12.R.V.Kannan

13.S.Sasikaladevi

.. Respondents in W.P. (MD) No.5315 of 2021

1.The District Registrar (Admin),
Tiruchirapalli Registration District,
Office of the District Registrar,
Tiruchirapalli District.

2.The Sub Registrar,
K.Sathanoor Sub Registration District,
Office of the Sub Registrar,
K.K.Nagar, Trichy.

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



3.Solomon Devaraj

4.Nirmala

5.Dhanalakshmi

6.Vinoth

.. Respondents in W.P.(MD) No.5320 of 2021

COMMON PRAYER:Writ Petitions filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, to call for the records of proceedings in Mu.Mu.No.9522/Aa4/2020 and in Na.Ka.No.9648/Aa1/2020 pending on the file of the 1st respondent and quash the entire proceedings including the order dated 12-02-2021 in Mu.Mu.No.9522/Aa.4/2020 and in Na.Ka.No.9648/Aa1/2020 pending on the file of the 1st respondent herein.

For Petitioner in both W.Ps.: Mr.R.Balachanderan

In W.P. (MD) No.5315 of 2021

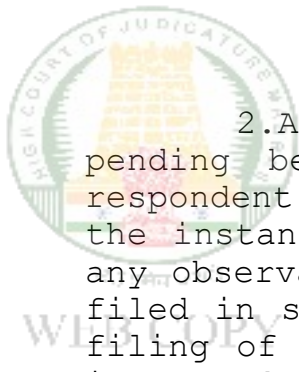
For R1 : Mr.K.Sathiya Singh
Special Government Pleader

In W.P. (MD) No.5320 of 2021

For R1 & R2: Mr.K.Sathiya Singh
Special Government Pleader

COMMON ORDER

The case of the petitioner is that he is the absolute owner of the property in T.S.No.9/1, old S.Nos.6/1, 6/2, 6/3, 7/3 and 7/4 to an extent of 48 cents, as per released deed dated 08.10.2016, registered as Doc.No.4221 of 2016. According to the petitioner, fraudulent transaction has been made in 2007-2008 in favour of the private respondents herein, which led to filing of several litigations by various persons and also filing of several writ petitions before this Court. Number of suits have been filed and number of writ petitions have been filed over the years and orders have been passed. According to the petitioner, a compromise decree was also passed and the matter was settled some time ago, but the 1st respondent has passed the impugned order dated 12.02.2021 containing several observations touching upon the right of the petitioner and others in the complaints against the fraudulent registration of documents at the instance of the private respondents, when the suits are pending, compromise was reached and civil revision petitions are also pending before this Court.



2. According to the petitioner, when so many litigations are pending before the civil Court and before this Court, the 1st respondent ought not to have entertained the applications filed at the instance of the private respondents and ought not to have made any observations affecting the rights of the parties. The affidavit filed in support of these writ petitions has narrated the facts of filing of many suits, writ petitions, civil revision petitions etc in regard to the subject property. Ultimately, as far as the present writ petitions are concerned, the petitioner is aggrieved by the order of the 1st respondent, dated 12.02.2021.

3. When the matter is taken up for hearing today, the learned Additional Government Pleader appearing for the respondents/State would submit that the impugned order is an appealable order and appeal would lie before the Deputy Inspector General of Registration. In fact, in the impugned order itself, it is indicated that if any party aggrieved by the order of the 1st respondent, appeal can be filed within a period of 60 days. However, without exhausting the appeal remedy, which is available under the Registration Act, the petitioner has approached this Court.

4. In a matter like this, this Court has time and again dismissed several writ petitions on the ground that an effective appeal remedy is available under the Act and the same has to be exhausted before choosing to approach this Court, invoking the extraordinary jurisdiction under Article 226 of the Constitution of India. As far as the present case on hand is concerned, several connected transactions have been mentioned in the affidavit and this Court would certainly not be in a position to appreciate the facts connected to several transactions, several civil proceedings and writ proceedings. On the other hand, the appellate authority would be in a better position to appreciate the case of the petitioner on the basis of investigation of the factual controversies as between the petitioner and the rival claimants. Therefore, it is not open to the petitioner to approach this Court at this stage.

5. For the above said reasons, these writ petitions stand dismissed, in view of the appeal remedy is available under the Act. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CO)

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/ /2021

Sub Assistant Registrar (CS)



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To

1.The District Registrar (Admin),
Tiruchirapalli Registration District,
Office of the District Registrar,
Tiruchirapalli District.

2.The Sub Registrar,
K.Sathanoor Sub Registration District,
Office of the Sub Registrar,
K.K.Nagar, Trichy.

+2 CC to M/s.R.RAJARAMAN, Advocate (SR-10669[F] dated 12/03/2021)

+1 CC to M/s.R.MAHESWARAN, Advocate (SR-10768[F] dated 12/03/2021)

+1 CC to M/s.SPL GP (SR-11213[F] dated 15/03/2021)

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RK (30.04.2021) 4P 7C