



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **12.03.2021**

CORAM

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

W.P. (MD) No.5453 of 2021

and

W.M.P. (MD) Nos.4342 & 4343 of 2021

Ramalakshmi

.. Petitioner

Vs

1.The District Registrar,
Tenkasi District,
Tenkasi.

2.Muthuraj

3.Sumithra

4.S.Murugaiah

5.Arunsankar Kumar

.. Respondents

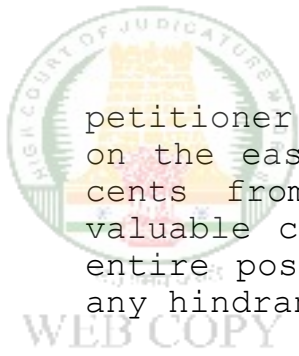
PRAYER:Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, to call for the records of the 1st respondent's proceeding in No.4465/AA2/2020 dated 31.12.2020 and quash the same.

For Petitioner : Mr.A.Srinivasan

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

ORDER

According to the petitioner, the subject property originally belonged to one Muthukaruppathavar to a total extent of 90 cents and after the demise of the said Muthukaruppathavar, an oral partition took place and a portion of the said property to an extent of 45 cents was allotted to the petitioner's grandfather. After the death of the petitioner's grandfather, his grandmother had executed a settlement deed regarding 45 cents on 07.02.1986 in favour of the



petitioner. Thereafter, the petitioner purchased land on 25.03.2011 on the east side of his property to an extent of the remaining 45 cents from the 5th respondent by a registered sale deed for a valuable consideration and the petitioner has been in enjoying the entire possession of the land to the extent of 90 cents, without any hindrance.

2.While matter stood thus, the 1st respondent issued notice for enquiry at the instance of the application filed by the 2nd respondent for cancellation of document bearing No.1370/2011 dated 25.03.2011. An enquiry was conducted and the conclusion of the enquiry by the 1st respondent is that the 5th respondent had fraudulently executed the sale deed dated 25.03.2011 without any right of the property and also issued directions to move the civil Court for cancellation of the document dated 25.03.2011. According to the petitioner, the 1st respondent has passed a detailed order touching upon the whole dispute relating to the title of the property, which he has not been empowered to decide. The 1st respondent is not a competent authority for directing the parties to approach the civil Court and he ought not to have made observations in relation to the title of the property. Therefore, challenging the proceedings of the 1st respondent dated 31.12.2020, the petitioner is before this Court.

3.The learned counsel appearing for the petitioner raised serious objections as to the jurisdiction of the 1st respondent to decide the title dispute of the parties, which can be decided only by a competent civil Court.

4.This Court is not inclined to go into the merits and demerits of the impugned order passed by the 1st respondent for the simple reason that as against the order passed by the 1st respondent, statutory appeal would lie before the Deputy Inspector General of Registration under the Registration Act. When an appeal remedy is available under the Act, it is for the petitioner to approach the appellate authority before invoking the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India.

5.In a dispute of this nature, proper course open to the petitioner is to exhaust the appellate remedy and the appellate authority would be in a better position to appreciate the claim of the petitioner as against the claim of the other respondents in terms of the factual position with reference to the records. Therefore, it is not open to the petitioner to rush this Court at this stage and seek quashment of the impugned order of the 1st respondent.



6.For the above said reasons, this writ petition stands dismissed on the ground of non-exhaustion of appeal remedy. No costs. Consequently, connected miscellaneous petitions are closed.

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Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

The District Registrar,
Tenkasi District,
Tenkasi.

+1 CC to M/s.A.SRINIVASAN, Advocate (SR-10963[F] dated 15/03/2021)

+1 CC to M/s.SPL GP (SR-11210[F] dated 15/03/2021)

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12.03.2021

GS (26.04.2021) 3P 4C