



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD) No.22892 of 2021

S.Perumal

... Petitioner

vs.

1.The Inspector General of Registration,
100, Santhome, Chennai-600 028.

2.The District Registrar,
Cheranmahadevi,
Tirunelveli District-627 414.

3.The Sub-Registrar,
Mukkudal,
Cheranmahadevi Taluk,
Tirunelveli-627 601.

4.Suresh

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records of the second respondent No.753/aa2/2020, dated 22.06.2020 pertaining to cancellation of sale deed document No.2102 of 2010, dated 21.09.2010 in petitioner's UDR Patta No.2230 in favour of the fourth respondent and quash the same as illegal and consequently, direct the second respondent herein to remove the entry of sale deed 2102/2010 from their records and subsequently, dispose of the same within a time frame as specified by this Court forthwith.

For Petitioner	: Mr.S.Arunnithy
For R1 to R3	: Mr.S.Kameswaran
	Government Advocate

O R D E R

Mr.S.Kameswaran, learned Government Advocate, takes notice on behalf of respondents 1 to 3. In view of the nature of the order passed, notice is not directed to the fourth respondent.

2.The writ petition has been filed in the nature of Writ of Certiorarified Mandamus, calling for the records of the order of the second respondent/ The District Registrar, Cheranmahadevi, Tirunelveli District-627 414, in No.753/aa2/2020, dated 22.06.2020, by which order, a sale deed registered as document No.2102 of 2010, dated 21.09.2010 had been cancelled. By the said order, which has been passed after following due principles as required, by putting the petitioner on notice and also on hearing all the other required



parties, the second respondent had finally cancelled the said document stating that it had been registered by suppression of other existing encumbrances.

3.Pursuant to the order, an appeal provision is permitted, namely, to file an appeal within a period of sixty days before the Deputy Inspector General of Registration at Palayamkottai, Tirunelveli District. The petitioner had filed an such appeal. That appeal is also pending.

4.When an appeal is pending, the writ petition certainly cannot be entertained by this Court. The petitioner will have to prosecute the appeal in manner known to law. Further, he had taken the correct step in filing the appeal. I wonder why, after filing the appeal, the petitioner has filed the present writ petition. It would only be advisable that the petitioner prosecutes the appeal further. The writ petition is not maintainable. There cannot be two separate authorities examining the same issue.

5.In the result, the writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

sjj

Note:In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Inspector General of Registration,
100, Santhome, Chennai-600 028.
- 2.The District Registrar,
Cheranmahadevi, Tirunelveli District-627 414.
- 3.The Sub-Registrar,
Mukkudal, Cheranmahadevi Taluk,
Tirunelveli-627 601.

+1 CC to M/s.SPL GP (SR-40454[F] dated 27/12/2021)

W.P. (MD) No.22892 of 2021
23.12.2021

TSK(CO)

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