

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.14834 of 2022

And

W.M.P.Nos.14043 and 14045 of 2022

1.V.Santhosh
2.M.Marimuthu

... Petitioners

Vs.

1.The Inspector General of Registration,
Office of The Inspector General of Registration,
Sathome High Road,
Raja Annamalaipuram,
Chennai - 600 028.

2.The Deputy Inspector General of Registration,
Salem,
Salem District.

3.The District Registrar (Admn.)
Salem (West),
Salem,
Salem District.

4.The Sub Registrar,
Office of The Sub Registrar,
Magudanchavadi,
Salem District.

5.D.Abinaya

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records relating to the order of the third respondent dated 14.03.2022 in Na.Ka.No.6522/E4/2021 and quash the same only in so far as it relates to the Document of the petitioner in Document No.4212 of 2021.

For Petitioners : Mr.K.Selvaraj

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader

O R D E R

The petitioners have filed this writ petition seeking issuance of Writ of Certiorari calling for the records relating to the order of the third respondent dated 14.03.2022 in Na.Ka.No.6522/E4/2021 and to quash the same only in so far as it relates to the Document of the petitioner in Document No.4212 of 2021.

2.The case of the petitioners is that one Late.K.Palanisamy assigned the rights in the decree in O.S.No.203 of 2001 on the file of the District Munsif Court, Sankari, in favour of the petitioners for a valuable consideration of Rs.6 Lakhs and the said deed of made over was duly registered by the third respondent as Document No.4212 of 2021 and as per the preliminary decree in the said suit, the legal heirs of the said Late.K.Palanisamy are entitled to 1/5 share of the 'C' Schedule property and they assigned the 1/5 share in favour of the petitioners by a registered deed of made over dated 09.08.2021.

3.The further case of the petitioners is that whileso, the fifth respondent filed a suit in O.S.No.171 of 2021 before the Sub Court, Sankari, to declare the deed of made over dated 09.08.2021 as invalid in law and also lodged a complaint before the third respondent as against the petitioners seeking to cancel the deed of made over dated 09.08.2021. The third respondent held that no orders could be passed on the complaint of the fifth respondent since the suit in O.S.No.171 of 2021 is pending and further held that no document pursuant to the deed of made over dated 09.08.2021 should be registered by the Sub Registrar, Magudanchavadi. Aggrieved by the restraint order passed by the third respondent, the petitioners have filed this writ petition.

4.The learned counsel appearing for the petitioners submitted that though the third respondent held that no orders could be passed on the complaint of the fifth respondent, however, passed the restraint order is not sustainable one.

5.The learned Special Government Pleader appearing for the official respondents submitted that as against the order passed by the third respondent, there is effective appeal remedy available to the petitioners before the Inspector General of Registration. The petitioners without exhausting the appeal remedy have filed the writ petition which is un-sustainable one. He further submitted that though restraint order was passed, the petitioners have opportunity to represent the document for registration.

6.Considering the facts and circumstances of the case and the submissions made on either side, the petitioners are granted liberty to either prefer appeal challenging the impugned order before the Inspector General of Registration or to represent the document for registration. If the petitioners represents the document for registration and if the same is returned, then the petitioners are at liberty to work out the remedy in the manner known to law.

7.This writ petition is accordingly disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-VIII)

//True copy//

Sub Assistant Registrar

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To

- 1.The Inspector General of Registration,
Office of The Inspector General of Registration,
Sathome High Road,
Raja Annamalaipuram,
Chennai - 600 028.
- 2.The Deputy Inspector General of Registration,
Salem,
Salem District.
- 3.The District Registrar (Admn.)
Salem (West),
Salem, Salem District.
- 4.The Sub Registrar,
Office of The Sub Registrar,
Magudanchavadi, Salem District.

+1cc to Mr.K.Selvaraj, Advocate SR.No.34987

+1cc to Government Pleader SR.No.36210

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GP(CO)
GMY(29/06/2022)