



WEB COPY



W.P.No.26617 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.10.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.26617 of 2022 and
W.M.P.No.25667 of 2022

T.J.Pandian @ T.Jeyadhana Pandian

... Petitioner

VS.

1. The District Registrar,
Registration Department,
District Registrar Office,
Railway Station Road,
Gopalapuram,
Coimbatore – 641 018.

2. The Sub Registrar,
Joint I,
Coimbatore.

3. C.Arun Kumar

4. C.D.Ramasubramiam

5. C.D.Maheswari

6. Sasikala



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7. J.Ahimsa Devi

8. P.Jeyasree

9. M.Prakash

10. S.P.Vijayalakshmi

11. C.D.Subramaniam

12. Kamaluddin

13. Noufal

14. Ferozkhan

15. P.Prakash

16. Meenatchi Sundaram

17. M.Palanikumar

18. S.Karthikeyan

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari calling for the records of the first respondent pertaining to his proceedings dated 30.05.2022 in No.2263/A1/2021 and quash the same.

For Petitioner : Mr.K.S.Karthik Raja

For R1 and R2 : Mr.C.Kathiravan
Special Government Pleader



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ORDER

This Writ Petition has been filed seeking issuance of a Writ of certiorari to quash the proceedings dated 30.05.2022 of the first respondent in No.2263/A1/2021.

2. Since no adverse order is being passed against respondents 3 to 18, notice to respondents 3 to 18 is dispensed with.

3. It is the case of the petitioner that he is in possession and enjoyment of the property in old T.S.No.7/765, new No.3985 of an extent of 600 Sq.ft. along with 3 feet common passage situated in Eastern row of Oppanakara Street, Keeezhapuram, Sireni by virtue of Sale Deeds dated 26.09.2011 and 27.05.2013. The respondents 4 to 10 who are the neighbouring land owners, with an intention to grab the abovesaid pathway, planned to alienate the property to the third party, due to which the petitioner filed a suit for permanent injunction against respondents 4 to 10 in O.S.No.153 of 2021 on the file of II Additional District Munsif Court, Coimbatore, pursuant to



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which, ad-Interim injunction was granted in favour of the petitioner. Pending said suit, respondents 4 to 10 executed an alleged fraudulent mortgage deed dated 22.02.2022, in favour of the third respondent including the petitioner's property and the said pathway. Seeking to cancel the said mortgage deed, the petitioner made a representation dated 03.03.2022 before the first respondent and the first respondent after conducting enquiry, rejected the petitioner's claim *vide* proceedings dated 30.05.2022. Challenging the same, the present Writ Petition has been filed seeking the aforesaid relief.

4. Learned counsel appearing for the petitioner submitted that already for the very same dispute, the petitioner filed a suit in O.S.No.153 of 2021 which is pending before the District Munsif Court, Coimbatore. However, at the time of arguments, when this Court expressed its opinion that, the issue involved in the present case pertains to disputed questions of facts and is purely a civil dispute between the petitioner and the private respondents and the same cannot be entertained under Article 226 of the Constitution, the learned counsel for the petitioner restricted his prayer and sought permission of this Court to grant liberty to the petitioner to agitate his grievances before



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the competent Civil Court where the suit is pending and the Civil Court may be directed to decide the issue between the parties without being influenced by the observation made in the impugned order passed by the first respondent.

5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. In view of the submission made by the learned counsel appearing for the petitioner, this Court grants liberty to the petitioner to agitate his grievances before the competent Civil Court where the suit is pending and the District Munsif Court, Coimbatore, is directed to decide the issue between the parties, without being influenced by the observation made in the impugned order. However, the impugned order passed by the first respondent is subject to the result of the suit.



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7. Accordingly this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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RAP

Index : Yes/No
Speaking order : Yes/No

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M.DHANDAPANI, J.



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