



W.P.No.15393 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.10.2022

Coram

The Honourable Mr.Justice M.DHANDAPANI

**W.P.No.15393 of 2014
and M.P.No.1 of 2014**

D.Janakiraman

...Petitioner

Versus

1.The District Registrar,
(Administration), Cuddalore.

2.The Sub Registrar,
Joint II, Cuddalore.

3.D.Radhakrishnan

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorari calling for the records and quash the order passed by the first respondent in his Na.Ka.No.1446/Aa1/2014 dated 21.04.2014 as being arbitrary, ultravires, malicious, null and void, without jurisdiction and a gross abuse of powers of the first respondent.

For Petitioner	:	Mr.D.Baskar
For Respondents – 1 & 2	:	Mr.G.Krishnaraja, Additional Govt. Pleader
For Respondent – 3	:	Mr.R.Muralidharan



ORDER

WEB COPY The relief sought by the petitioner in this writ petition is to call for the records and quash the order passed by the first respondent in Na.Ka.No.1446/Aa1/2014 dated 21.04.2014.

2. The case of the petitioner is that he executed a Settlement Deed dated 30.03.2012 in favour of his wife which was registered as Document No.1299/2012 on the file of second respondent. While so, the third respondent who is none other than the elder brother of petitioner gave a petition to the first respondent for cancellation of said Settlement Deed. The third respondent is claiming title over the properties subject matter of the Settlement Deed dated 30.03.2012 by stating that he has purchased those properties. The first respondent called upon the petitioner to the office and told him that the third respondent claimed that the subject properties are undivided joint family properties. With regard to said properties, one Mr.Thambusami, step brother of petitioner had filed a partition suit in O.S.No.96 of 1998 before the Sub Court, Cuddalore. The said suit was transferred to Additional District Court, Cuddalore (then Fast Track Court). On 30.04.2009, the Additional District Court, Cuddalore (then Fast Track



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Court) has passed a preliminary decree in O.S.No.96 of 1998. The then incumbent, holding the office of first respondent vide order dated 21.05.2012 dismissed the petition filed by third respondent by referring that a civil dispute between the parties is pending before the Court and the title over the subject properties cannot be decided by the Registration Department. Subsequent to the dismissal of said petition, the third respondent ingeniously approached the first respondent once again and obtained a fresh order dated 21.04.2014, in and by which, the first respondent directed the second respondent to initiate criminal proceedings against the petitioner under Section 83 of the Registration Act, 1908 for fraudulent registration of Settlement Deed dated 30.03.2012. Aggrieved over the order dated 21.04.2014 passed by the first respondent, the petitioner has filed the present writ petition before this Court.

3. The learned counsel for the petitioner submitted that the petitioner has an effective appeal remedy before the Deputy Inspector General of Registration and therefore, liberty may be granted to the petitioner to avail the same.



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4. In view of the above submission made by the learned counsel for the petitioner, this Court without interfering with the order under challenge, grants liberty to the petitioner to file an appeal before the Deputy Inspector General of Registration/Appellate Authority, within a period of two weeks from the date of receipt of a copy of this order. On such appeal being filed, the Deputy Inspector General of Registration/Appellate Authority shall consider the same, without raising any issue as regards the limitation aspect and dispose of the same on merits and in accordance with law, within a period of twelve weeks thereafter.

5. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

12.10.2022

mrr

Index : Yes/No

Speaking Order (or) Non-Speaking Order

Note: Registry is directed to return the original impugned order to the petitioner so as to enable him to file appeal before the Deputy Inspector General of Registration



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Copy to

1.The District Registrar,
(Administration), Cuddalore.

2.The Sub Registrar,
Joint II, Cuddalore.

M.DHANDAPANI, J.



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