



W.P.No.25935 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.11.2022

CORAM:

THE HONOURABLE MR. JUSTICE **M.DHANDAPANI**

W.P.No.25935 of 2022

and

W.M.P.No.25019 of 2022

P.Prabakaran

... Petitioner

Vs.

1.The Inspector General of Registration,
Chennai – 600 028.

2.The District Registrar (Administration),
102, State Bank Road,
Gopalapuram,
Coimbatore – 641 018.

3.The Sub-Registrar,
Ganapathy,
Coimbatore.

4.V.Balakrishnan

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India,
praying for issuance of a Writ of Certiorari, calling for the records
pertaining to the order of the 2nd respondent dated 14.03.2022 made in his



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proceedings in Na.Ka.No.9640/A1/2021 and to quash the same.

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For Petitioner : Mr.A.E.Ravi Chandran
For R1 to R3 : Mr.G.Krishna Raja
Additional Government Pleader
For R4 : Mr.P.Saravana Sowmiyan

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Certiorari to call for the records pertaining to the order of the 2nd respondent dated 14.03.2022 made in his proceedings in Na.Ka.No.9640/A1/2021 and to quash the same.

2. Since no adverse order is being passed against the private respondent, notice to the private respondent is dispensed with.

3. The case of the petitioner is that, the punja land measuring an extent of 0.54 acres on eastern side of 2.23 ½ acres out of total extent of 4.47 acres in Ganapathy Village, Coimbatore Taluk, was originally belonged to one Krishnasamy Gounder, who sold the above said 0.54 acres to one P.G.Venkatesan and K.R.Jagannathan, Partners of M/s.Sri Sai Lakshmi Textile Engineering Company, by way of a registered Sale Deed, dated 11.04.1980, registered as Doc.No.1414 of 1980 on the file of Sub



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Registrar Office, Gandhipuram and one Palanisamy has executed a Release Deed in respect of 54 cents, registered as Doc.No.3734 of 1981, dated 06.06.1981, with regard to his right over the said property, in favour of the above said M/s. Sri Sai Lakshmi Textile Engineering Company. The petitioner had purchased the said 54 cents from the partners of Sri Sai Textiles, by virtue of three registered Sale Deeds, dated 12.01.2012. Pursuant to the execution of the said deeds, the petitioner has been paying the property tax and running the Industry, in the name and style of Chakravarthi Technology Private Limited and also obtained Certificate of Registration from Commercial Tax Department. While so, the above said Palanisamy sold to an extent of 2.23 acres out of 4.47 acres, comprised in S.No.83, through a registered Sale Deed, dated 07.02.2006 in favour of the fourth respondent. In the meantime, the fourth respondent tried to interfere with the petitioner's possession, thereby, the petitioner filed a Suit in O.S.No.2883 of 2013 on the file of District Munsif Court, Coimbatore, seeking for permanent injunction and the same is pending. Thereafter, the fourth respondent executed two settlement deeds, dated 25.09.2013 in favour of his wife and his son for 47 cents of land and based on the said settlement deeds, the fourth respondent filed a Suit in O.S.No.1443 of



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2017 on the file of Principal Sub Court, Coimbatore for permanent injunction and the petitioner also filed a Suit in O.S.No.1216 of 2018 on the file of Principal District Munsif Court, Coimbatore, for a declaration that the above settlement deeds are null and void and both the suits are pending, in which, interim injunction was granted on 06.09.2018 in favour of the petitioner for the above said 54 cents of land. Thereafter, the fourth respondent made a complaint dated 18.10.2021 before the second respondent/District Registrar to cancel the document, which was executed by the petitioner's predecessor in title. Though his complaint was rejected, the fourth respondent made some observations against the petitioner. Thereby, the second respondent passed the present impugned order dated 14.03.2022 vide proceedings in Na.Ka.No.9640/A1/2021, though the petitioner is not a party in the proceedings.

4. The learned counsel appearing for the private respondent submitted that the fourth respondent complaint was rejected vide impugned order, pursuant to which, the fourth respondent filed a Suit in O.S.No.341 of 2022 on the file of District Munsif Court, Coimbatore, in which, the petitioner filed an impleading application in I.A.No.4 of 2022



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and the same was allowed in favour of the petitioner and he was impleaded as a party in the said Suit. However, the parallel proceedings were initiated by the petitioner before this Court, which is not sustainable. Accordingly, he prayed for passing appropriate directions.

5. The learned counsel for the petitioner submitted that though the fourth respondent filed a Suit, in which, the petitioner is also impleaded as a party. However, he submitted that it would suffice, if this Court issues a direction to the Competent Civil Court to decide the issue between the petitioner and the fourth respondent without being influenced by any of the observations made in the impugned order.

6. Considering the facts and circumstances of the case and the stand taken by the learned counsel for the petitioner, and without going into the merits of the case, this Court is inclined to issue a direction to the District Munsif Court, Coimbatore to decide the issue between the petitioner and the fourth respondent without being influenced by any of the observations made in the impugned order.

7. Accordingly, the Writ Petition is disposed of with the



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aforesaid direction. No costs. Consequently, the connected miscellaneous petition is closed.

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Speaking Order : Yes/ No

Internet: Yes/ No

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To

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