



WEB COPY



W.P.No.26902 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.26902 of 2022

And

W.M.P.Nos.26100 and 26101 of 2022

K.Bharanikumar

... Petitioner

Vs.

1.The District Registrar,
Department of Registration,
Tiruppur.

2.The Sub Registrar,
Nallur Sub Registration Office,
Nallur.

3.M.Selvarj

4.M.Ghousebhir

5.R.Poongothai

... 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 impugned proceeding in Na.Ka.No.5877/B5/2021, dated 15.09.2022 passed by the first respondent, quash the same.



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For Petitioner : Mr.R.Bharath Kumar

For Respondents : Mr.E.Vijay Anand for R1 and R2
Additional Government Pleader
M/s.G.Muthukumar for R4

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorari calling for the records relating to the impugned proceedings in Na.Ka.No.5877/B5/2021, dated 15.09.2022 passed by the first respondent, quash the same.

2.The learned counsel appearing for the petitioner submitted that the petitioner made complaint dated 03.11.2021 seeking to cancel Document No.4202/2021 which stood in the name of the private respondents and the private respondents made complaint dated 31.12.2021 seeking to cancel Document No.2570/2021 which stood in the name of the petitioner. Both the complaints were taken up together and the impugned proceedings was issued by the first respondent allowing the complaint made by the private respondents and rejecting the complaint made by the petitioner.

3.The learned counsel appearing for the petitioner further submitted that for the very same issue the petitioner has already filed

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a suit for bare injunction in O.S.No.282 of 2021 before the Additional District Munsif Court, Tiruppur, against the private respondents and the said Court has also granted interim order in favour of the petitioner. Hence, this Court, without going into the merits of the case, may dispose of this writ petition by granting liberty to the petitioner to canvass all the points before the civil Court where civil suit is pending and may direct that the impugned order is subject to the result of the civil suit filed by the petitioner, i.e., O.S.No.282 of 2021 on the file of the Additional District Munsif Court, Tiruppur.

4.Though the learned counsel appearing for the private respondent did not raise any serious objection, submitted that without interfering with the order impugned in this writ petition, this Court may grant liberty to the petitioner to work out the remedy in the manner known to law.

5.In view of the above, this Court, without expressing any opinion on the merits of the case, since rendering any opinion may adversely affect the interest of the petitioner as well as the private respondents and without interfering with the order impugned in this writ petition, grants liberty to the petitioner to work out the remedy



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before the Additional District Munsif Court, Tiruppur, where civil suit is pending. The Additional District Munsif Court, Tiruppur, shall decide the suit in O.S.No.282 of 2021, without being influenced by any of the observations made in the first respondent's proceedings in Na.Ka. No.5877/B5/2021, dated 15.09.2022.

6.With the above observations, this writ petition is dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

26.10.2022

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Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No

To

- 1.The District Registrar,
Department of Registration,
Tiruppur.
- 2.The Sub Registrar,
Nallur Sub Registration Office,
Nallur.



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M.DHANDAPANI,J.
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