



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **23.06.2022**

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P. (MD) .No.7173 of 2012

and

M.P. (MD) No.1 of 2012

K.Saravanakumar

... Petitioner

Vs.

1. The District Registrar,
Virudhunagar District,
Virudhunagar.

2. Mookammal

3. Ayyammal

4. B.Radhakrishnan

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for records of the first respondent in No.1772/2013/2012 dated 19.04.2012 quash the same as illegal arbitrary.

For Petitioner	: Mr.S.Venkatesh for Mr.A.Sivaji
For R1	: Mr.K.S.Selvaganesan Additional Government Pleader
For R4	: Mr.R.M.Ramesh
For R2 & R3	: No appearance

ORDER

The present Writ Petition has been filed challenging an order issued by the District Registrar, Virudhunagar under which the petitioner and respondents No.2 and 3 were called for an enquiry to appear relating to a sale deed in Document No.98 of 2001 for an enquiry.

2. According to the writ petitioner, a civil suit filed by him in O.S.No.56 of 2019 on the file of District Munsif Court, Rajapalayam for the relief of permanent injunction has been decreed in his favour. The counter claim raised by the fourth respondent herein, for declaration of title and permanent injunction was also dismissed on 29.04.2022. However, the learned Counsel for the



fourth respondent had contended that they have preferred a first appeal before the Appellate Court.

3. The contesting respondent, namely, the fourth respondent has filed a memo that he has no objection whatsoever to allow the writ petition giving them liberty to pursue their remedy in a first appeal arising out of O.S.No.100 of 2012 (O.S.No.56 of 2019)

4. The contention of the writ petitioner and the memo filed by the fourth respondent are considered.

5. Admittedly, civil proceedings are pending between the writ petitioner and the respondents No.2 to 4 herein, with regard to the same survey number. When a civil proceeding is pending, the District Registrar will not have any jurisdiction to entertain an enquiry with regard to a document which has already been registered by him on 10.01.2001. From the enquiry notice, it is seen that the enquiry has been initiated after a period of eleven years after the registration of the documents. In view of the above said matter, the writ petition stands allowed. However, the parties are at liberty to pursue their remedy before the civil court.

6. With the above said observations, the Writ Petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/07/2022

Sub Assistant Registrar(CS)

jbr

To
The District Registrar,
Viruthunagar District,
Viruthunagar.

+1 CC to M/s.A.R.M. RAMESH, Advocate (SR-27788[F]
dated 23/06/2022)

+1 CC to M/s.A. SIVAJI, Advocate (SR-27840[F] dated 23/06/2022)

Order made in
W.P. (MD) .No.7173 of 2012

23.06.2022

KM(CO)

GC(06.07.2022) 2P 4C

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