



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD) No.1459 of 2022

B.Ilavazhakan

... Petitioner

vs.

1.The Additional Chief Secretary to the Government,
Secretariat, Chennai.

2.The District Collector,
Madurai.

3.The District Registrar (South) (Admin)
Document and Registration,
Registrar Office, Mahal, Madurai.

4.The Sub Registrar,
Document and Registration,
Registrar Office,
Arasaradi, Madurai.

5.Mr.Jairaj, I.A.S.,
Administrator,
Sri Vysyaraja Mutt,
(Sosalai) having its Main Office at
No.1, Benne Govindappa Chatra,
Basavangudi, Bangalore.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the third respondent in Na.Ka.No.7048/Aa1/2016, dated 02.11.2016 and to quash the same and consequently direct the respondents 3 and 4 to entertain the document for registration pertaining the petitioner's house property situated in Plot No.33 of Sennaiyar Colony, Madurai, Maninagaram, comprised in the Madurai Town Survey Ward No.5, Town S.No.1208/22/2A Raja Mills Road.

For Petitioner
For R1 to R4

: Mr.K.K.Ramakrishnan
: Mr.S.Kameswaran
Government Advocate

ORDER

This Writ Petition has been filed in the nature of Writ of Certiorarified Mandamus, seeking interference with an order passed by the third respondent/District Registrar (South) (Admin) Document and Registration, Registrar Office, Mahal, Madurai, dated 02.11.2016 and to interfere with the same.



2.This writ petition has been filed after five years and on that ground itself, I have to reject the writ petition.

3.The impugned order stated that the documents presented for registration cannot be registered owing to pendency of W.P.(MD) No.20288 of 2015. But the matter runs deeper. Pursuant to a communication received from the Chief Secretary to the Government of Karnataka, the first respondent herein/Additional Chief Secretary to the Government of Tamil Nadu had addressed the second respondent/District Collector, Madurai, to issue a communication to the District Registrar, (South) (Admin), Document and Registration, Registrar Office, Mahal, Madurai District, who is the third respondent herein to put the Sub-Registrar on notice that if any document is presented for registration with respect to Town S.No.1208/22/2, then, since the matter is under direct supervision of a petition filed in the Karnataka High Court alleging fraud, registration should not be effected.

4.The impugned order has been issued in the year 2016 and the petitioner has accepted the same for the past five years and thereafter, has taken a decision to file the writ petition. Eventhough delay cannot be placed against the writ petitioner, still he has not explained the reason for the latches in coming to the Court after five long years. Moreover he has not suffered in any manner whatsoever for the past five years. Let him await results of the writ petition aforementioned.

5.It is also seen that the subject property under investigation by the Karnataka High Court is with respect to Town S.No.1208/22/2. The learned counsel seeks to differentiate the properties herein with a minor qualification saying that the properties are in Town S.No.1208/22/2A. By any reasoning, the sub-division 2A would only be part of S.No.2 and any consideration of the case of the petitioner would only amount to a further fraud committed and multiply the fraud already committed which issues are now under the consideration of the Karnataka High Court/Government of Karnataka.

5.The Writ Petition is dismissed. It has been filed with *malafide* intentions. It is mischievous and it does not deserve any consideration of the petition. No costs.

Sd/-

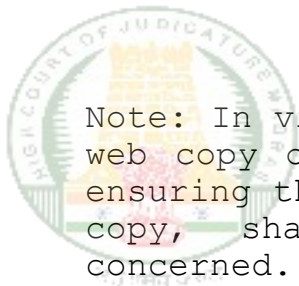
Assistant Registrar (CS-II)

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/ /2022

Sub Assistant Registrar(CS)

sjj



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

WEB COPY

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Arasaradi, Madurai.

+2 CC to M/s.K.K.RAMAKRISHNAN, Advocate (SR-2977[F]
dated 28/01/2022)

+1 CC to M/s.SPL.GP (SR-3149[F] dated 31/01/2022)

W.P.(MD) No.1459 of 2022
28.01.2022

SK(CO)
GC(14.02.2022) 3P 8C