



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.02.2022

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD) .No.2001 of 2022

and

W.M.P. (MD) .No.1720 of 2022

S.Rajesh Kumar

... Petitioner

Vs.

1.The Deputy Inspector General,
Registration Department,
Tirunelveli Zone,
Tirunelveli District.

2.The District Registrar,
Registration Department,
Tenkasi District.

3.R.Sundarraaj

4.M.Rajadurai

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records of the impugned order passed by the first respondent in Na.Ka.No.1645/ThaPi/2020 dated 11.10.2021 and quash the same as illegal.

For Petitioner : Mr.R.J.Karthick
For R-1 and R-2 : Mr.S.Shanmugavel
Additional Government Pleader.

ORDER

Heard Mr.R.J.Karthick, learned counsel for the petitioner and Mr.S.Shanmugavel, learned Additional Government Pleader, who takes notice for the first and second respondents.

2. In view of the nature of the order passed, notice is not directed to the third and fourth respondents.

3. The petitioner, is one among seven (7) plaintiffs in O.S.No.90 of 2020, which is now pending before the Sub Court, Sankarankovil. The third and fourth respondents, to whom notice is not directed, are the first and second defendants in the said suit.



The suit had been filed for partition and separate possession and also for a declaration that a particular document, dated 12.12.2019, registered as Document No.1/2082/2019 in the office of the Sub Registrar, Vasudevanallur, as null and void and for an injunction restraining the revenue authorities from proceeding further pursuant to the execution of the said document and for costs.

4. Thereafter, it appears that the first respondent had passed the impugned order on 11.10.2021, which is being questioned in the present Writ Petition. It has also been stated in the said order that if the parties are aggrieved by the said order, they can approach the Civil Court. They have already approached the Civil Court, which is seized of the matter. The veracity of the document is under discussion in the Civil Court. Parallely filing a Writ Petition will not take the petitioner anywhere. It is not known why the other plaintiffs had not joined in filing the Writ Petition.

5. Giving liberty to the petitioner to pursue all reliefs further in the suit, which is already pending and if required, to file necessary amendment petition with the relief already sought, the Writ Petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

Sd/-

Assistant Registrar(Writs)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Lm

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.

To

1.The Deputy Inspector General,
Registration Department,
Tirunelveli Zone, Tirunelveli District.

2.The District Registrar,
Registration Department, Tenkasi District.

+1 CC to M/s.SPL.GP (SR-3975[F] dated 03/02/2022)

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nsn(CO)

<https://hcservices.ecourts.gov.in/Hcservices/P> 4C