



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE PARESH UPADHYAY

AND

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.A.(MD) No.140 of 2022
and C.M.P. (MD) No.1376 of 2022

M.Peer Mohammed

... Appellant/8th Respondent

Vs.

1. The District Registrar,
Palayamkottai Registration District,
Tirunelveli District.

2. The Sub Registrar,
Melapalayam,
Tirunelveli District.

3. Indira Sarojini Bhai

4. Aabitha Beevi

5. P.Mohammed Malik

6. M.Mohammed Ali

7. A.Sadik Basha

8. M.Amanullah

9. V.S.T.Amanullah

...Respondents/Respondents

Writ Appeal filed under Clause 15 of Letters Patent, against the order dated 30.06.2021 made in W.P.(MD) No.10826 of 2021.

Prayer in WP(MD). 10826/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ or Order or Direction more in the nature WRIT OF MANDAMUS directing the 1st respondent to conduct enquiry with regard to fraudulent registration of document on the basis of Circulars dated 25.04.12, 31.07.18 and 09.04.18 by considering the petitioners representation dated 11.01.2021 and pass orders on merits in accordance with law within the time fixed by this Hon`ble Court and circumstances of the case and ensure justice.



For Appellants

: Mr.T.Selvan

For Respondents

: Mr.S.Shanmugavel,
Additional Government Pleader,
for R1 and R2

Mr.H.Arumugam,
for R9

J U D G E M E N T

(Delivered by PARESH UPADHYAY, J.)

Challenge in this appeal is made to the order dated 30 June 2021 recorded on W.P.(MD) No. 10826 of 2021. This appeal is by the 8th respondent of the writ petition.

2. Learned advocate for the appellant has submitted that, in view of the order under challenge, contempt proceedings were taken out by the original writ petitioner and in the said proceedings, re-enquiry is ordered and that is how, the present appellant is aggrieved by the order dated 30 June 2021. Learned advocate for the appellant further submitted that, civil suit remedy is also resorted to by the writ petitioner. It is submitted that, this appeal be entertained.

3. On the other hand, learned advocate for the original writ petitioner has submitted that, the order under challenge i.e., dated 30 June 2021 has not only outlived its life, the present appellant had been benefitted out of that order, since in the enquiry in question, order was passed in favour of the present appellant. It is however submitted that, since, according to the original writ petitioner, there was some impropriety in the said proceedings, he had also resorted to contempt proceedings, in which the order is passed on 20 December 2021, which learned advocate has pointed out to be the cause of action. It is submitted that this can not be a ground to challenge the order dated 30 June 2021. It is submitted that this appeal be dismissed.

4. Having heard learned advocates for the respective parties and having considered the material on record this Court finds that, on more than one grounds this appeal needs to be dismissed. Firstly, by the impugned order learned Single Judge had ordered some enquiry to be conducted by the official respondents and the said enquiry is concluded and final order is also passed. The order has thus outlived its life. No useful purpose would be served by entertaining this appeal at this stage. There is additional ground that, the said order (after the enquiry) was in favour of the present appellant. Therefore any interference in the order dated 30 June 2021 would be a ground for a writ of certiorari where the order, which was passed by the State



Authorities in favour of the present appellant would also stand set aside. The appellant would never want this. This appeal therefore needs to be dismissed on this additional ground also.

5. The question may remain, if that is so, why this appeal. Learned advocate for the appellant is fair to concede before the Court that, pursuant to the order dated 30 June 2021, enquiry was conducted and pursuant to said enquiry order is passed on 02 September 2021, which is questioned by the writ petitioner, inter-alia on the ground that it was fraudulently obtained by the respondents in the writ petition (i.e. the present appellant) and the said argument is even accepted by the Co-ordinate Bench in the contempt proceedings being Contempt Petition No.1475 of 2021 in W.P (MD) No.10826 of 2021. The order dated 20 December 2021 on the said proceedings is on record. The reading thereof makes it clear that, the benefits reaped by the present appellant from the order under challenge i.e. 30 June 2021 is separately interfered with by the Co-ordinate Bench in different proceedings. If that is so, that can not be a ground to challenge the order dated 30 June 2021. In totality, this Court finds that this appeal need not be entertained.

6. For the above reasons, this appeal is dismissed. We find that, though the filing of this appeal at this stage may appear to be mischievous, it is quite possible that it may be ill-advised also. Be that as it may, a poor litigant need not be imposed with costs in this peculiar case. Therefore No costs. Connected miscellaneous petitions would not survive.

Sd/-

Assistant Registrar (CS-I)

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/ /2022

Sub Assistant Registrar(CS)

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To

1. The District Registrar,
Palayamkottai Registration District,
Tirunelveli District.

2. The Sub Registrar,
Melapalayam, Tirunelveli District.

+1 CC to M/s.SPL GP (SR-7502[F] dated 21/02/2022)

W.A.(MD) No.140 of 2022

18.02.2022