



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.06.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.9260 of 2022

and

W.M.P. (MD) No.6635 of 2022

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Kannan

... Petitioner

Vs

1.The Deputy Inspector General of Registration,  
Tirunelveli District,  
Tirunelveli.

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

3.The Sub Registrar,  
Vallioor, Radhapuram Taluk,  
Tirunelveli District.

4.The Sub Registrar,  
Nazerath, Thoothukudi District.

5.Baalaji Wind Energy Pvt Limited,  
Perungudi, Tirunelveli District,  
through its Authorized Signatory,  
Suresh, S/o.Maarthandam,  
4/113, Five House Street, Aavaikulam,  
Managing Director, Radhapuram Taluk,  
Tirunelveli District.

... Respondents

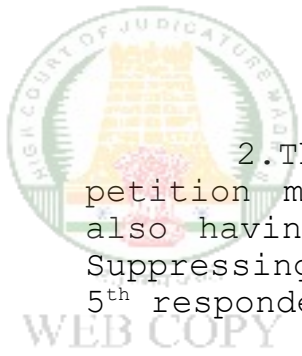
**Prayer:** Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent No.3 to implement the direction given by the 1<sup>st</sup> respondent to 3<sup>rd</sup> respondent in his proceedings in Na.Ka.2955/Aa1/2021 dated 30.07.2021 with regard to the land admeasuring cents 89 in Survey No.2028/1A2 and Acre 3 Cents 77 in Survey No.2028/1B of Vadakku Vallioor Part II Village, Radhapuram Taluk, Tirunelveli District within a stipulated time.

For Petitioner  
For R1 to R4

: Mr.S.R.Anbarasu  
: Mr.J.K.Jeyaseelan  
Government Advocate

### ORDER

Heard the learned counsel for the writ petitioner and the learned Government Advocate for the respondents 1 to 4.



2.The petitioner is aggrieved by the registration of the petition mentioned documents. According to the petitioner, he is also having 1/6<sup>th</sup> share in the petition mentioned survey numbers. Suppressing his right, documents had been executed in favour of the 5<sup>th</sup> respondent by the other cosharers.

3.It is seen that the petitioner had already filed O.S.No.61 of 2021 before the Sub Court, Vallioor. The 5<sup>th</sup> respondent is also figuring as one of the defendants in the said suit. The petitioner has to necessarily pursue the said civil remedy and obtain relief. It is not open to the Registering Authority to cancel a document that had already been registered. Filing of this writ petition is misconceived. Leaving open the rights of the petitioner, the writ petition is dismissed. I make it clear that dismissal of the writ petition will not in any way cast any cloud on the petitioner's right. The sub Court, Vallioor is directed to dispose of O.S.No.61 of 2021 on merits and in accordance with law, within a period of 8 months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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**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 Sub Court, Valliyur
- 2.The Deputy Inspector General of Registration,  
Tirunelveli District, Tirunelveli.
- 3.The District Registrar,  
Registration Department,  
Tirunelveli District, Tirunelveli.



4.The Sub Registrar,  
Vallioor, Radhapuram Taluk,  
Tirunelveli District.

5.The Sub Registrar,  
Nazerath, Thoothukudi District.

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+1 CC to M/s.SPL.GP ( SR-24400[F] dated 07/06/2022 )

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NSN (CO)  
KB (13.06.2022) 3P 7C