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W.P.(MD)NO.14619 OF 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.07.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.14619 of 2021 and
W.M.P.(MD)No.11558 of 2021

Suraiya Begum

... Petitioner

Vs.

1. The Inspector General of Registration,
Santhome High Road,
Chennai – 600 028.

2. The District Registrar,
Ramanathapuram District,
Ramanathapuram – 623 501.

3. The Revenue Division Officer,
Ramanathapuram – 623 501.

4. The Tahsildar,
Ramanathapuram – 623 501.

5. The District Collector,
Ramanathapuram District – 623 501.

6. M.K.Noor Mohammad

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records culminated in the impugned letter Ref.Na.Ka.No.548/ A1/2020, dated 04.01.2021 issued by the second respondent to continue and



conclude the enquiry and comply with other procedures, in accordance with the provisions of Section 68(2) of Registration Act 1908 and Circular letter No.20217/U1/2021 dated 09.07.2021 issued by the Inspector General of Registration, Chennai.

For Petitioner : Mr.S.A.S.Alaudeen

For R-1 to R-5 : Mr.K.S.Selva Ganesan,
Additional Government Pleader.

For R-6 : Mr.P.V.Selvakumar

* * *

ORDER

Heard the learned counsel on either side.

2. The petitioner submitted a complaint before the second respondent calling upon him to enquire into the act of fraud alleged to have been committed by the sixth respondent. The sixth respondent is said to have executed a registered power of attorney in favour of son. It is seen that the petitioner traces her title through sale deeds. On the other hand, the sixth respondent is having only a patta in his favour. Of course *prima facie* the petitioner may have a better claim.



But then, this is an issue that cannot be gone into by the second respondent. This is all the more so because, the sixth respondent had already filed a suit in O.S.No.101 of 2020 on the file of the District Munsif, Ramanathapuram and the District Registrar is figuring as the first defendant in the suit. In these circumstances, the first respondent rightly came to the conclusion that he cannot go into the issue and he would abide by the outcome of the civil proceedings.

3. In the pending suit, the petitioner can as well raise a counter claim so that the rights can be adjudicated even if the sixth respondent abandons the suit filed by him. I make it clear that I have not gone into the merits of the matter. All the rights of the petitioner are left open.

4. This writ petition stands disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

15.07.2022

Index : Yes / No
Internet : Yes/ No

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G.R.SWAMINATHAN,J.

PMU

To:

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Santhome High Road,
Chennai – 600 028.
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Ramanathapuram – 623 501.
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