



W.P.(MD)No.18071 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.08.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.18071 of 2022

and

W.M.P.(MD)Nos.13177 & 13178 of 2022

SP.Kasinathan

... Petitioner

Vs

1.The District Registrar,
Office of the District Registrar,
Thanjavur.

2.S.Kalyanaraman

3.N.Palavesamuthu

4.R.Varadharajan

5.M.Thiraviyapandian

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records relating to the Na.Ka.No.891/A2/2022 on the file of the 1st Respondent herein on the basis of the petition filed of the 2nd Respondent herein dated 01.03.2022 received in the office of the 1st Respondent on 30.03.2022 served on the petitioner by the 1st respondent vide summons in Na.Ka.No.891/A2/2022 dated 29.07.2022 and quash the proceedings.



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For Petitioner : Mr.A.R.L.Sundaresan
Senior Counsel
for Mr.AL.Ganthimathi
For R1 : Mr.J.K.Jayaseelan
Government Advocate
For R2 : Mr.B.Saravanan

ORDER

Heard the learned senior counsel appearing for the writ petitioner and the learned Government Advocate appearing for R1 and the learned counsel appearing for R2.

2. The petitioner questions the impugned summon issued by the first respondent. The said summon had been issued based on the complaint of the second respondent. According to the second respondent, the petition mentioned sale deed executed in favour of the writ petitioner is fraudulent. According to the second respondent, the so called parent deed based on which the petitioner's vendor claims his title is a fabricated one.

3. The learned senior counsel points out that the second respondent had submitted an identical complaint before the first respondent in the year 2019. The said complaint was enquired into and disposed of on 28.06.2019 and the second respondent was given two options; to must move the appellate authority or the jurisdictional civil Court. The pointed contention of the learned senior



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counsel appearing for the writ petitioner is that when once the first respondent had already dealt with and disposed of the second respondent's complaint, on the same cause of action, he is not competent to entertain the same complaint.

4. I find immense force and substance in the said contention. In this view of the matter, the summon impugned in the writ petition is quashed. However, the second respondent is at liberty to avail remedy open to him under law. The Writ Petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

11.08.2022

Index : Yes / No
Internet : Yes/ No
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To

The District Registrar,
Office of the District Registrar,
Thanjavur.



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G.R.SWAMINATHAN, J.

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