



W.P.(MD) No.10707 of 2016

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.12.2022

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD) No.10707 of 2016

and

W.M.P.(MD) Nos.8301 and 8302 of 2016 and 12665 of 2021

R.Karunakaran

... Petitioner

/vs./

1.The Inspector General of Registration,
Registration Department,
No.100, Santhome High Road,
Chennai.

2.The District Registrar (Madurai South),
Madurai.

3.The Sub Registrar,
Arasaradi,
Madurai.

4.K.Meenakshi

5.Thenmozhi

6.P.Kavitha

(R6 has been impleaded vide
order dated 15.02.2017)

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the 2nd respondent in O.Mu.Ka.No.2449/AA2/2016 dated 31.03.2016 quash the same and consequently direct the respondents 3 to 5 herein not to encumber or alienate the land and building bearing old Door.No.13/1 New No.17/35, comprised in Re-survey No.19/6, Anna Main Road, Bethaniapuram, Madurai City, and further directing the respondents 1 to 3 herein to initiate suitable action against the respondents 4 and 5 herein under Section 82 of the Registration Act.

For Petitioner	: Mr.Ram Sundarvijayan for Mr.C.Jegannathan
For R1 to R3	: Mr.S.Shanmugavel Additional Government Pleader
For R4 & R5	: No appearance
For R6	: Mr.S.Deenadhayalan

ORDER

The writ petition is filed challenging the order of the second respondent rejecting the claim of the petitioner to cancel the settlement deed executed by the fourth respondent in favour of the fifth respondent dated 02.12.2015 in Doc.No. 4582/2015.



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2.The said request of the petitioner has been made on 28.12.2015. After making a request, he had also initiated a suit in O.S.No.53 of 2016 for an identical relief to declare that the settlement deed dated 02.12.2015 executed by the fourth respondent in favour of the fifth respondent as null and void. In case, this Court is inclined not to set aside the order impugned and remand the matter back to the authority, as the second respondent cannot be permitted to adjudicate an issue, which is seized of by a competent civil Court.

3.In the light of the above, it is open to the petitioner to approach the authority concerned after the disposal of the suit in O.S.No.53 of 2016 filed by the petitioner for the same relief.

4.With the above observations, the Writ Petition is disposed of. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Speaking : Yes / No
Non Speaking : Yes / No
mm

14.12.2022



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K.KUMARESH BABU, J.

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To

- 1.The Inspector General of Registration,
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Chennai.
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- 3.The Sub Registrar,
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