



W.A(MD)No.1473 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.12.2022

CORAM:

**THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.A(MD)No.1473 of 2022
and
C.M.P(MD)Nos.11850 & 11852 of 2022**

1.S.Buhari
2.S.Sheik Ali

... Appellants/Petitioners

vs.

1.The Inspector General of Registration,
Department of Registration,
100, Santhome High Road,
Chennai.

2.The Deputy Inspector General of Registration,
Tirunelveli Region,
Tirunelveli District.

3.The District Registrar (Admin),
District Registrar Office,
Palayamkottai,
Tirunelveli District.

4.The Sub District Registrar,
Sub Registrar Office,
Melapalayam,
Tirunelveli District.

5.V.S.T.Amanullah

... Respondents/Respondents

1/6



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PRAYER : Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 03.08.2022 passed in W.P(MD)No.11432 of 2022, on the file of this Court.

For Appellants	: Mr.D.Nallathambi
For RR 1 to 4	: Mr.S.Shanmugavel Additional Government Pleader

JUDGMENT

[Judgment of the Court was made by D. KRISHNAKUMAR, J.)

Challenging the dismissal order, dated 03.08.2022 passed by the learned Single Judge in W.P(MD)No.11432 of 2022, this Writ Appeal has been filed by the appellants / petitioners.

2.The learned counsel appearing for the appellants submitted that the appellants have filed the abovesaid Writ Petition stating that as per the statutory scheme set out in the Registration Act and the Rules framed thereunder, the registering authority has no power or authority to go into the title of the executant and the learned counsel further stated that the appellants have already filed a suit in O.S.No.336 of 2021 on the file of the



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Sub Court, Tirunelveli, for declaration of title, permanent injunction and also to declare that the order, dated 23.08.2021 passed by the third respondent as null and void.

3. Based on the aforesaid contention of the parties, the Writ Court has dismissed the Writ Petition by observing that the appellants can seek their remedy before the jurisdictional civil Court by adducing convincing evidence. Against which, the appellants have filed the present Writ Appeal.

4. The learned counsel appearing for the appellants specifically submitted that the writ Court has rightly referred the matter to the civil Court, but he has aggrieved by the observations made in the impugned order and that will influence the civil Court to decide the said suit on merits and therefore, he has filed the instant Writ Appeal for modifying the said observation made by the Writ Court.

5. The learned Additional Government Pleader appearing for the respondents 1 to 4 submitted that the entire issue raised by the appellants is now pending before the civil Court, thus, the writ Court has rightly dismissed the Writ Petition and prayed for dismissal of the Writ Appeal.



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6.In view of the abovesaid submissions, the order dated 03.08.2022 passed by the learned Single Judge in W.P(MD)No.11432 of 2022 do not warrant any interference, however, we clarify that the observation made in the Writ Petition shall not influence the civil Court while deciding the suit in O.S.No.336 of 2021 on the file of the Sub Court, Tirunelveli.

7.With the above observation, this Writ Appeal stands disposed of.
No costs. Consequently, connected Miscellaneous Petitions are closed.

[D.K.K.,J.] & [R.V.,J.]
05.12.2022

Index : Yes / No
Internet : Yes
ps



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To

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D. KRISHNAKUMAR,J.

and

R.VIJAYAKUMAR,J.

ps

**ORDER MADE IN
W.A(MD)No.1473 of 2022**

05.12.2022