



W.P.Nos.6276 & 6439 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2023

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.Nos.6276 & 6439 of 2019
and
W.M.P.Nos.7112, 7249 & 7251 of 2019

W.P.No.6276 of 2019

S.Muruvappan

... Petitioner

Vs.

1.The District Registrar,
Registration Department,
Government of Puducherry,
Puducherry.

2.S.Singaravelu

3.S.Saravanan

4.S.Mohanasundram

... Respondents

Prayer in W.P.No.6276 of 2019: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records relating to the 1st respondent in his Notice No.5443/RD/PA-Admin/Petition/2018/1487/1824 dated 26.12.2018 and quash the same as illegal.

W.P.No.6439 of 2019

M/s.Girias Investment Private Limited,
A Company incorporated under the



W.P.Nos.6276 & 6439 of 2019

Companies Act, 1956, having registered office
at No.249, AH Block, 7th Main Road, 1st Street,
Annanagar, Chennai – 600 040.

... Petitioner

Vs.

1.The District Registrar Puducherry,
Office of District Registrar Puducherry,
II Floor, Revenue Complex,
Kamaraj Salai, Saram,
Puducherry – 605 013.

2.Sub Registrar (Admin),
Registration Department,
Government of Puducherry,
Puducherry.

3.Singaravelu.S

4.Saravanan

5.S.Muruvappan

6.S.Mohanasundram

... Respondents

Prayer in W.P.No.6439 of 2019: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, forbearing the proceedings No.5443/RD/PA-Admin/Petition/2018/1487/1824 dated 26.12.2018 on the file of the 1st respondent and proceedings No.5443/RD/SR-Admin/Petition/2018/1559 dated 26.11.2018 on the file of the 2nd respondent from enquiring into the complaint of the 3rd, 4th and 6th respondents against the registration of the Lease Deed dated 08.06.2018, registered as Document No.11936 of 2018 on the file of the Sub Registrar in the office of the District Registrar Puducherry.



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W.P.No.6276 of 2019

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For Petitioner : M/s.K.Sasindran
For Respondents : Mr.A.Tamilvanan
Additional Government Pleader [R1]
M/s.R.Thiagarajan [R2 to R4]

W.P.No.6439 of 2019

For Petitioner : Ms.Varuni Mohan
for M/s.G.Vivekanand
For Respondents : Mr.A.Tamilvanan
Additional Government Pleader [R1]
M/s.R.Thiagarajan [R3, R4 & R6]
M/s.K.Sasindran [R5]

COMMON ORDER

Since the issue raised in both the writ petitions is one and the same, these Writ Petitions were heard together and are being disposed of by this common order.

2. The case of the petitioners is that the petitioner-Company in W.P.No.6439 of 2019 entered into a lease agreement with the petitioner in W.P.No.6276 of 2019 as well the fifth respondent in W.P.No.6439 of 2019. As against the lease agreement, the respondents 3, 4 and 6 made a complaint as against the fifth respondent before the respondents 1 and 2 in



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W.P.No.6439 of 2019. Pursuant to which, the first respondent has issued a summon to the fifth respondent (petitioner in W.P.No.6276 of 2019).

Challenging the impugned summon, the Writ Petition in W.P.No.6276 of 2019 is filed before this Court. Similarly, the Writ Petition in W.P.No.6439 of 2019 is filed to forbear the respondents 1 and 2 to proceed with the complaint made by the respondents 3, 4 and 6.

3. The learned counsel for the petitioner in W.P.No.6439 of 2019 would submit that, already the third respondent has filed a suit in O.S.No.1996 of 2018 on the file of the Principal District Munsif, Puducherry for declaration to declare the lease deed executed by the fifth respondent in favour of the the petitioner as null and void and the same is pending. When the Civil Suit is pending for the very same issue, the private respondents made a complaint before the official respondents, which is not maintainable unless the private respondents withdraw the suit pending before the Civil Court. Similarly, the respondents 3, 4 and 6 have filed another suit in O.S.No.123 of 2018 against the fifth respondent for partition of the subject property.



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4. Further, the learned counsel for the petitioner-Company in W.P.No.6439 of 2019 would submit that, a direction may be issued to the respondents 1 and 2 to defer the complaint till the disposal of the suits filed by the private respondents.

5. The learned counsel for the private respondents in W.P.No.6439 of 2019 would submit that, though the suits are pending, it will not bar the official respondents to proceed with the matter in terms of the Acts and Rules. Accordingly, he prayed for dismissal of these writ petitions.

6. Heard the learned counsel for the parties in both the writ petitions and perused the materials available on record.

7. The fact in the present case is not in dispute. For the very same issue, the third respondent has filed a suit in O.S.No.1996 of 2018 on the file of the Principal District Munsif, Puducherry for declaration to declare the lease deed executed by the fifth respondent in favour of the the petitioner as null and void and the private respondents 3, 4 and 6 filed another suit in O.S.No.123 of 2018 for partition of the subject property.



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When the said suit is pending for the very same relief, they made a complaint before the respondents 1 and 2, which is *per se* not maintainable.

8.In view of the submissions made by the learned counsel for the petitioner in W.P.No.6439 of 2019, this Court, without expressing any opinion on the merits of the case, directs the respondents 1 and 2 to defer the proceedings of the complaint filed by the private respondents 3, 4 and 6, till the disposal of the suit filed by the private respondents.

9.Accordingly, the writ petitions are disposed of with the above terms. No costs. Consequently, the connected miscellaneous petitions are closed.

20.03.2023
(2/2)

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
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To

- 1.The District Registrar Puducherry,
Office of District Registrar Puducherry,
II Floor, Revenue Complex,
Kamaraj Salai, Saram,
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- 2.The Sub Registrar (Admin),
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M.DHANDAPANI, J.

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