



W.P.No.6448 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2023

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.6448 of 2023

and

W.M.P.No.6479 of 2023

T.S.Mahendran

... Petitioner

Vs.

1. The Inspector General of Registration,
Mylapore, Chennai-04.

2. The Deputy Inspector of Registration,
Coimbatore, State Bank Road,
Coimbatore-641 018.

3. The District Registrar,
Coimbatore District, State Bank Road,
Coimbatore-641 018.

4. The Join Sub Registrar-II,
Rajaveedhi, Coimbatore.

5. The Inspector of Police, (L and O)
D-2, Police Station,
Selvapuram Coimbatore City.

6. S.Poonjothi,

7. Malarkodi,

8. V.Krishnamurthy



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9. S.Jaffarullah

10 Arulnathan

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorari, calling for the records on the file of the 1st respondent in his proceedings No.44567/ U1/ 2022 dated 17.02.2023 signed on 20.02.2023 and quash the same as illegal, Unconstitutional and null and void.

For Petitioner : Mr.S.Venkatesh

For Respondents
(for R1 to R5) : Mr.T.Arun Kumar,
Additional Government Pleader
(for R6 to R9) : Mr.S.Senthilvel
(for R10) : Mr.E.Sampath Kumar

ORDER

The order dated 17.02.2023, passed by the Inspector General of Registration, confirming the order passed by the third respondent is under challenge in the present writ petition.

2. The grievances of the writ petitioner is that the documents registered during the year 2007 and 2009 are cancelled by the District Registrar under Section 77A of the Act. The Appeal filed under Section



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77B of the Act was rejected confirming the order passed by the District Registrar.

3. It is not in dispute that the parties have instituted a Civil Suit in O.S.No.2118 of 2014, for declaration and permanent injunction. The suit is pending on the file of the Principle District Munsif Court at Coimbatore. The rights of the parties have to be crystallised with reference to the cancellation of documents made by the competent authorities under the Registration Act.

4. The petitioner as well as respondents 6 and 7, filed an undertaking affidavit before this Court, stating that they are willing to contest their case before the Civil Suit which is pending before the I- Additional District Munsif Court at Coimbatore. Since the parties have decided to crystallise their civil rights through the competent Civil Court of law, no further adjudication is required in respect of the contentions raised in the present writ petition. After disposal of the Civil Suit and on reaching finality, either of the parties are at liberty to approach the authorities for effecting necessary changes in the Encumbrance Register or in the relevant records under the provisions of the Act and Rules in force.



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WEB COPY 5. The I-Additional District Munsif Court at Coimbatore is requested to dispose of the suit as expeditiously as possible, preferably within a period of four (4) months from the date of receipt of a copy of this order.

6. Accordingly, the writ petition stands **disposed of**. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes
Speaking Order
Neutral Citation : Yes
(sha)

To

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