



W.P.No.17406 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.17406 of 2023

P.Santhi

... Petitioner

Vs.

1. The Inspector General of Registration,
No.100, Santhom Main Road,
Pattinapakkam, Chennai – 600028.
2. The District Registrar,
District Registrar Office,
North Chennai, Chennai – 600 108.
3. The Sub-Registrar,
Villivakkam Panchayat Union Office Complex,
Dunlop, Ambattur,
Chennai.
4. B.Mala
5. M.Bharathi

... Respondents



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue Writ of Mandamus, directing the second respondent, District Registrar, North Chennai to disposing of proceedings vide No. 12599/A5/2018 dated .11.2018 signed on 25.11.2018 and subsequently directing the second respondent cancel the forged document in document No.2067/2016 dated 27.04.2016 before the third respondent, the Sub Registrar, Konnur, Villivakkam, Chennai, within the time frame fixed by this Court.

For Petitioner	:	Mr.M.Elumalai for Mr. E.Balamurugan
For Respondents	:	Mr. G.Krishna Raja, Additional Government Pleader (for R1 to R3)

ORDER

The writ on hand has been instituted to direct the 2nd respondent / District Registrar, North Chennai to dispose of the appeal preferred by the writ petitioner to cancel the forged document registered vide document No.2067/2016 dated 27.04.2016.



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2. The learned counsel for the petitioner states that the respondents 4 and 5 have created a forged patta and attempting to grab the property belonging to the petitioner.

3. The learned Additional Government Pleader appearing for the 1st to 3rd respondents states that the subject property is a Government land, classified as Natham land. However, the fact remains that there is a dispute exists between the petitioner and the respondents 4 and 5.

4. A Civil Suit was instituted by the petitioner, which was dismissed and the petitioner preferred an Appeal Suit in A.S.No.55 of 2023, which is now pending on the file of the II-Additional City Civil Court, Chennai. When the Original Suit was dismissed and the Appeal Suit is now pending before the Competent Civil Court of law, High Court cannot conduct a roving enquiry for the purpose of ascertaining the civil rights of the parties, so also the District Registrar cannot form a final opinion, since the civil proceedings are pending.



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5. In the event of issuing a direction to the District Registrar to dispose of the Appeal and if there are any findings given by the Authorities, the same would cause prejudice to either of the parties. Once the parties approach the Civil of law, they are expected to establish their rights independently based on the documents and evidences available on record.

6. That being the principle, the directions as such sought for in the present writ petition during the pendency of the Civil Appeal is not preferable and the parties are at liberty to establish and defend their cases based on the documents and evidences available on record.

7. After the disposal of the civil case, either of the parties are at liberty to approach the Registering Authority or the revenue authorities as the case may be for the purpose of effecting changes in the revenue records.



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With these observations, the writ petition in W.P.No.17406 of 2023 stands disposed. No costs.

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skr

Index : Yes

Speaking order

Neutral Citation : Yes

To

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2. The District Registrar,
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North Chennai,
Chennai – 600108.
3. The Sub-Registrar,
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S.M.SUBRAMANIAM, J.

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