



W.P.No.27532 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2023

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.27532 of 2022
and W.M.P.No.26769 of 2022

1.M.Vignesh
2.M.Anjuham

.... Petitioners

-Vs-

1.The Sub-Registrar Joint II
Thiruppadiripuliyur
Cuddalore-607 002.

2.The District Registrar
Thiruppadiripuliyur
Cuddalore-607 002.

3.The Deputy Inspector
General of Registration
Thiruppadiripuliyur
Cuddalore-607 002.

4.Malarkodi

.... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari to call for the records and quash the impugned order dated 16.08.2022 passed by the 2nd respondent in Na.Ka.No.3042/Aa4/2021.



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For petitioners : Mr.R.M.D.Nazarullah
for M/s.D.Baskar
For Respondents : Ms.Akila Rajendran
Government Advocate – for RR 1 to 3
Mr.S.Ayyathurai - for R4

ORDER

The prayer sought for herein is for a Writ of Certiorari to call for the records and quash the impugned order dated 16.08.2022 passed by the 2nd respondent in Na.Ka.No.3042/Aa4/2021.

2. The 4th respondent has given a complaint before the 2nd respondent District Registrar to cancel the document in Document Nos.1658/2021 and 2689/2021 and the said complaint, having been entertained, was decided by the order of the 2nd respondent District Registrar dated 16.08.2022. Aggrieved over the said order, the petitioners preferred an appeal before the 3rd respondent Deputy Inspector General of Registration and the said appeal since has not been considered, in the meanwhile the petitioners, challenging the said order of the District Registrar dated 16.08.2022 have filed the present writ petition.

3. Heard the learned counsel for the petitioner, learned Government Advocate appearing for the official respondents and the learned counsel for the 4th respondent.



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4. Having heard the submission made by the learned counsel appearing for the parties, this Court feels that, since the petitioners themselves have chosen to file an appeal before the 3rd respondent / Deputy Inspector General of Registration against the order passed by the 2nd respondent / District Registrar dated 16.08.2022 and the said appeal is also pending, instead of pursuing the same the petitioners cannot come before this Court challenging the very same order passed by the 2nd respondent in this writ petition also.

5. In that view of the matter, this Court is inclined to dispose of this writ petition with the following order.

“ It is open to the petitioners to pursue the appeal which is pending before the 3rd respondent against the order passed by the 2nd respondent dated 16.08.2022 and in that case, the 3rd respondent Deputy Inspector General of Registration, after giving an opportunity of being heard to the petitioners as well as the 4th respondent, shall decide the same on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order. In view of the above, the challenge made against the order dated 16.08.2022 passed by the 2nd respondent in this writ petition need not be gone into.”



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KST

6. With the above directions, this writ petition is disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

28.02.2023

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Index : Yes/No

Neutral Citation : Yes/No

Speaking Order / Non-speaking order

KST

To

1.The Sub-Registrar Joint II
Thiruppadiripuliyur
Cuddalore-607 002.

2.The District Registrar
Thiruppapdiripuliyur
Cuddalore-607 002.

3.The Deputy Inspector
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