



W.A. Nos.3492 & 3493 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2023

CORAM

THE HON'BLE MR.JUSTICE S. VAIDYANATHAN

AND

THE HON'BLE MR. JUSTICE K. RAJASEKAR

W.A. Nos. 3492 & 3493 of 2023

&

C.M.P. Nos. 28525 & 28527 of 2023

W.A. No. 3492 of 2023

C.A. Natarajan

..Appellant

Vs.

1. The Govt. of Tamil Nadu,
Represented by its Secretary,
Revenue Department,
Fort St. George,
Chennai – 600 009.
2. The Commissioner of Revenue
Administration,
Chepauk, Chennai – 600 005.
3. The District Collector,
Rajaji Salai, Chennai – 600 001.
4. The Revenue Divisional Officer,

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South Chennai, Guindy,
Chennai – 600 032.

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5. The Thasildar,
Sholinganallur Taluk,
Chennai – 600 119.
6. P. Jaiganesh
7. Tmt. H. Kirthika
8. Tmt. P. Usha
9. Tmt. A. Asharani
10. Tmt. S. Ishwarya
11. M/s. Santhanalakshmi Spinning
Mills,
No.381, Saradha College Road,
Alagapuram Fair lands,
Salem – 636 016.
12. Tmt. Sangamithra Sowmiya Anbumani
13. P. Yedasammal
14. P. Raguraman
15. D. Sathyaraj

..Respondents

Prayer: Writ Appeal as against the order dated 16.06.2023 passed in

W.A. No. 31805 of 2022.

For Appellant :: Mr.T.V. Lakshmanan

For Respondents :: Mr.A. Selvendran,
Special Govt. Pleader for
R1 to R5
Mr.N.L. Rajah,
Senior Counsel for
Mr.M.R. Jothimanian for
R6 & R11



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Mr.K. Balu for R12
Mr.K.M. Vijayan,
Senior Counsel for
Mr.T.Dharani for R13 and
R14

Mr.C.P. Sivamohan for R15

W.A. No. 3493 of 2023

C.A. Natarajan

..Petitioner

Vs.

1. The Govt. of Tamil Nadu,
Represented by its Secretary,
Registration Department,
Fort St. George,
Chennai – 600 009
2. The Deputy Inspector General of
Registration,
No.26FJ + GV8, Integrated Building
For offices of Commercial Taxes
Registration Department,
Fanepet, Nandanam,
Chennai – 600 035.
3. The District Registrar,
Chennai (South),
DIG of Registration office complex,
No.537, Fanepet, Nandhanam,
Chennai – 600 035.
4. P. Jaiganesh
5. Tmt. H. Kirthika
6. Tmt. P. Usha

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7. Tmt. A. Asharani
8. Tmt. S. Ishwarya
9. M/s. Santhanalakshmi Spinning Mills,
No.381, Saradha College Road,
Alagapuram Fair lands,
Salem – 636 016.

10. P. Yedasammal
11. P. Raguraman
12. D. Sathyaraj

..Respondents

Prayer: Writ Appeal as against the order dated 16.06.2023 passed in
W.P. No. 29310 of 2022.

For Appellant :: Mr.T.V. Lakshmanan

For Respondents :: Mr.E. Vijay Anand,
Additional Govt. Pleader
for R1 to R3
Mr.K.M. Vijayan,
Senior Counsel for
Mr.T.Dharani for R10 and
R11
Mr.C.P. Sivamohan for
R12
Mr.N.L. Rajah,
Senior Counsel for
Mr.M.R. Jothimanian for
R4 & R9

COMMON JUDGMENT

(Delivered by S. Vaidyanathan,J.)



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The writ appeals have been preferred as against the order dated 16.06.2023 passed in W.P. No. 31805 & 29310 of 2022.

2. The bone of contention between the parties is with regard to registration of two distinct sale deeds in respect of the very same property.

3. According to Mr.T.V. Lakshman, learned counsel for the appellant and Mr.K.M. Vijayan, learned Senior Counsel for respondents 13 & 14 in W.A. No. 3492/2023/respondents 10 and 11 in W.A. No. 3493 of 2023, the learned Single Judge had gone into the merits of the matter and rendered a finding as against them and that the finding with regard to acceptance of the report of the Central Science Forensic Laboratory is adverse to them eventhough they have approached the Civil Court after the orders of this Court. It is further submitted that the Civil Court is empowered to decide even with regard to the issuance of patta and that the summary proceedings that may be conducted by the Registering Authority need not be done when a Civil Suit is pending.

4. Per contra, Mr.N.L. Rajah, learned Senior Counsel appearing



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for respondents R6 and R11 in W.A. No. 3492/2023 and Mr.K. Balu, learned counsel for the 12th respondent in the said writ appeal would submit that the learned Single Judge has not rendered any finding on the merits of the matter and there was a direction that the parties will have to work out their remedy before the appropriate Civil Forum and that the parties are at liberty to produce necessary oral and documentary evidence to substantiate their case before the Civil Court/Authorities Concerned.

5. Heard both parties.

6. We do not want to delve into the various factual aspects of the matter, more so, with regard to cancellation of irrevocable power of attorneys and cancellation of sale deeds. It is for the competent Civil Court to look into the same and the learned Single Judge has extracted the pleadings of the parties and rendered a finding in paragraph Nos. 20 to 22 while relegating the parties to approach the Civil Court. Pursuant to the orders of this Court, proceedings have been initiated before the Civil Forum by the appellant herein.



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7. With regard to the investigation under Section 83 of the Registration Act, that being a summary proceeding, we do not want to stall the same as the finding to be rendered by the Civil Court will have greater weightage than that of the orders that may be passed in the summary proceeding. However, leaving all issues open, both factual and legal and permitting the parties, as has been observed by the learned Single Judge, to produce oral and documentary evidence, the writ appeals are disposed of with a direction to the Civil Court to take up the civil proceedings on a day-to-day basis without adjourning the same beyond five working days at any point of time and render its judgment and decree at the earliest. We also make it clear that the Civil Court is expected to render a finding uninfluenced by the observations made by the learned Single Judge touching upon the merits of the matter. No costs. Connected C.M.Ps are closed.

(S.V.N.J.) (K.R.S.J.)
15.12.2023

nv

To

1. The Secretary,
Govt. of Tamil Nadu,
Revenue Department,
Fort St. George,

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Chennai – 600 009.

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2. The Commissioner of Revenue
Administration,
Chepauk, Chennai – 600 005.
3. The District Collector,
Rajaji Salai, Chennai – 600 001.
4. The Revenue Divisional Officer,
South Chennai, Guindy,
Chennai – 600 032.
5. The Thasildar,
Sholinganallur Taluk,
Chennai – 600 119.
6. The Secretary,
Govt. Of Tamil Nadu,
Registration Department,
Fort St. George,
Chennai – 600 009
7. The Deputy Inspector General of
Registration,
No.26FJ + GV8, Integrated Building
For offices of Commercial Taxes
Registration Department,
Fanepet, Nandanam,
Chennai – 600 035.
8. The District Registrar,
Chennai (South),
DIG of Registration office complex,
No.537, Fanepet, Nandhanam,
Chennai – 600 035.



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S. VAIDYANATHAN,J.
AND
K. RAJASEKAR,J.

Nv



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of 2023

15.12.2023

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