



W.P.No.33150 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2023

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THE HON'BLE MR. JUSTICE P.VELMURUGAN

W.P.No.33150 of 2023
and W.M.P.Nos.32836 and 32838 of 2023

1.POQUILE @SELVI
2.PUNITHA @ MANGAVARAME

... Petitioners

Vs.

1. THE SECRETARY TO GOVERNMENT(REVENUE),
CHIEF SECRETARIAT, PUDUCHERRY - 605 001.
2. THE DISTRICT REGISTRAR,
OFFICE OF REGISTRAR, GOVERNMENT OF PUDUCHERRY,
REGISTRATION DEPARTMENT, PUDUCHERRY.
3. RANJITH,
4. THE SUB REGISTRAR,
REGISTRATION OFFICE, VILLIANUR, PUDUCHERRY - 605 110.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the concerned records relating to the Order No. 4225/DRP/DRO/RD/2021/608/1236 dated 15.07.2022 passed by the 2nd respondent and quash the same.



W.P.No.33150 of 2023

For Petitioners : Mr.M.Gnanasekar

For Respondents : Mr.M.Nirmal Kumar

Govt. Advocate (Puducherry) for RR1, 2 & 4

ORDER

This Writ Petition has been filed for issuance of a Writ of Certiorari, calling for the concerned records relating to the Order No. 4225/DRP/DRO/RD/2021/608/1236 dated 15.07.2022 passed by the 2nd respondent and quash the same.

2. By consent of both the parties, this Writ Petition is taken up for final hearing at the admission stage itself.

3. Mr.M.Nirmal Kumar, learned Government Advocate takes notice for the respondents 1, 2 and 4.

4. It is the case of the petitioner that as against the order of the 2nd respondent dated 15.07.2022, directing the 4th respondent to make an entry in



W.P.No.33150 of 2023

the Index of the Book-I as 'the registration of the various Deeds as detailed in Tabular column in para 6 of this order as “Fraudulent Registered Deed”, the petitioner has filed an appeal dated 17.08.2022 before the 1st respondent and the same is pending.

5. Mr.M.Nirmal Kumar, learned Government Advocate appearing for the respondents 1, 2 and 4 submitted that it would suffice if a direction is issued to the 1st respondent to dispose of the said appeal, within a time frame to be fixed by this Court.

6. Heard the learned counsel on either side and perused the materials available on record.

7. Admittedly, as against the order impugned in this Writ Petition, the petitioner has filed an appeal before the 1st respondent. When there is an appeal remedy available to the petitioner, they cannot parallelly invoke the provisions of Article 226 of the Constitution of India.



W.P.No.33150 of 2023

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8. In such view of the matter, this Court, without expressing any opinion with regard to the merits of the matter, directs the 1st respondent to dispose of the said appeal dated 17.08.2022 preferred by the petitioners, on merits and in accordance with law, by giving due opportunity to all the parties concerned, especially the rival claimants, within a period of two months from the date of receipt of a copy of this order.

9. With the above direction, this Writ Petition is disposed of. No costs. W.M.P.No.32835 of 2023 stands ordered, subject to payment of separate Court fee by each petitioner. Consequently connected miscellaneous petitions are closed.

24.11.2023

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Index:Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No



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W.P.No.33150 of 2023

To

1. THE SECRETARY TO GOVERNMENT(REVENUE),
CHIEF SECRETARIAT, PUDUCHERRY - 605 001.
2. THE DISTRICT REGISTRAR,
OFFICE OF REGISTRAR, GOVERNMENT OF PUDUCHERRY,
REGISTRATION DEPARTMENT, PUDUCHERRY.
3. THE SUB REGISTRAR,
REGISTRATION OFFICE, VILLIANUR, PUDUCHERRY - 605 110.



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W.P.No.33150 of 2023

P.VELMURUGAN, J.,

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W.P.No.33150 of 2023

24.11.2023