



W.P(MD)No.4846 of 2022

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

WEB COPY

**DATED : 30.10.2023**

**CORAM**

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

**W.P(MD)No.4846 of 2022**  
**and**  
**W.M.P(MD)Nos.4004 & 8820 of 2022**

P.Hari Balakrishnan

... Petitioner

**Vs.**

1.The District Registrar,  
Tenkasi District,  
Tenkasi.

2.The Sub Registrar,  
Surandai,  
Tenkasi District.

3.V.Vettu Perumal

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the relating to the impugned order of the first respondent Na.Ka.No.5211/A2/2020 dated 14.02.2022 and quash the same.



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For Petitioner : Mr.H.Arumugam

For Respondents : Mr.C.Satheesh  
Government Advocate for R.1 & R.2

Mr.S.Rajasekar for R.3

**ORDER**

Heard both sides.

2. One Sermanathan executed sale deed dated 01.12.2020 in favour of the writ petitioner purporting to convey two items of property. Sermanathan claims to have inherited the said property from his father Annamalai Nadar who purchased the same vide sale deed dated 07.08.1986. The third respondent lodged complaint before the first respondent that even though Survey No.563/8 is not mentioned in Annamalai Nadar's sale deed, it is finding place in the sale deed executed in favour of the writ petitioner by Sermanathan. Finding merit in the said contention, the first respondent passed the impugned order labelling the document as fraudulent. It is seen that the writ petitioner had already filed O.S.No.118 of 2022 on the file of the Sub Court, Sankarankovil seeking the relief of declaration and permanent injunction. Thus, the



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civil Court is seized of the matter. Hence the impugned order will abide by the outcome of the civil suit.

3. It is stated by the learned counsel appearing for the third respondent that the impugned order had already been entered in the encumbrance register. That will remain and the rights of the parties will have to be established before the jurisdictional civil Court independently.

4. I am of the view that prosecution need not have been directed. This part of the impugned order alone is set aside.

5. This writ petition is partly allowed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

**30.10.2023**

NCC : Yes/No  
Index : Yes / No  
Internet : Yes/ No  
MGA



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**G.R.SWAMINATHAN, J.**

MGA

To

1.The District Registrar,  
Tenkasi District,  
Tenkasi.

2.The Sub Registrar,  
Surandai,  
Tenkasi District.

Copy to

The Sub Court, Sankarankovil.

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