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W.P.(MD).No.7543 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.09.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.7543 of 2021
and
W.M.P.(MD)No.5718 of 2023

K.Jeyachandran

... Petitioner

Vs.

- 1.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai-28.
- 2.The Deputy Inspector General of Registration,
Rajakambeeram, Madurai-107.
- 3.The District Registrar (Administration),
(Assistant Inspector General of Registration Cadre),
Madurai South, Madurai.
- 4.S.Senthamil Selvan,
The District Registrar (Administration),
(Assistant Inspector General of Registration Cadre),
Madurai South, Madurai.



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5.The Sub Registrar,
(District Registrar Cadre),
Arasaradi, Madurai.

6.R.Ramalingam
7.A.Packianathan
8.Karuppaiah

... 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 records pertaining to the impugned order passed by the 3rd respondent in Na.Ka.No. 6228/Aa2/2020, dated 12.02.2021 and to quash the same.

For Petitioner	: Mr.V.Raghavachari Senior Counsel for M/s.K.M.Pricilla Jancy
For R1 to 3 and 5	: Mr.B.Saravanan Additional Government Pleader
For R6	: Mr.N.Sathish Babhu
For R4 and 7	: No appearance

ORDER

This writ petition is filed for writ of ***Certiorari***, to call for the records pertaining to the impugned order passed by the 3rd respondent in Na.Ka.No.6228/Aa2/2020, dated 12.02.2021 and to quash the same.



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2. The petitioner claim right over property under the Will executed by one Narayana Pillai. The 6th respondent is claiming right through his wife Chandra Gandhi. The said Narayana Pillai's wife Chandra Gandhi has executed the Will in the name of the 6th respondent's wife. The 6th respondent has filed a petition before the 3rd respondent stating that the petitioner has forged certain documents and is claiming right over the 6th respondent's property.

3. After considering the case under Circular No.41530/U1/2017, the 3rd respondent passed an order directing the petitioner and the 6th respondent to seek remedy before the competent Civil Court to establish their right. Until this point, the petitioner and the 6th respondent accept the order of the 3rd respondent.

4. Based on this rightly the petitioner has filed a suit in O.S.Nos. 484 and 638 of 2021 on the file of Additional District Judge, Madurai. However, the petitioner is aggrieved by the observation in the impugned order



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wherein the 3rd respondent has declared that the petitioner's Will as forged document.

5. Therefore, this Court is of the considered opinion that the petitioner and the 6th respondent had rightly filed suits. They can seek remedy before the competent Civil Court. However, the Civil Court shall consider the claim of the petitioner as well as the 6th respondent uninfluenced by the order or observation made in the impugned order and shall independently scrutinize the evidence submitted by both the parties and can decide the issue as per law.

6. With the above said observation, the writ petition is disposed of.
No costs. Consequently, connected miscellaneous petition is closed.

20.09.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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S.SRIMATHY, J.

Tmg

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