



W.P(MD)No.7509 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 05.10.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.7509 of 2022
and
W.M.P.(MD)No.5676 of 2022

Meenakshi

... Petitioner

Vs.

- 1.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai - 600 028.
- 2.The Deputy Inspector General of Registration,
TNAU Nagar, Rajakambeeram,
Madurai Zone, Madurai - 625 107.
- 3.The District Registrar, (Administration),
Registration, Madurai (South), Madurai.
- 4.The Sub - Registrar,
Kallikudi,
Madurai District.

5.Rajalakshmi

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the



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records pertaining to impugned order passed by the 2nd respondent in his proceedings in Na.Ka.No.1449/Aa4/2021 dated 21.03.2022 and quash the same as illegal and unconstitutional.

For Petitioner : Mr.S.Prabhu

For Respondents : Mr.M.Siddharthan,
Addl. Government Pleader for R1 to R4.
Mr.J.Barathan for R5.

ORDER

Heard both sides.

2.The writ petitioner executed settlement deed dated 29.08.2020 in favour her son. Contending that the execution of the document is fraudulent, the fifth respondent who is none other than the petitioner's sister filed an application before the District Registrar (Administration), Madurai South. The third respondent vide order dated 28.07.2021 relegated the parties to go before the jurisdictional Civil Court. Questioning the same, the fifth respondent filed revision before the Deputy Inspector General of Registration, Madurai. The Deputy



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Inspector General of Registration, Madurai vide order dated 03.11.2021 restrained the petitioner's son from dealing with the property based on the aforesaid mentioned settlement deed. Subsequently, the very same authority passed the impugned order dated 21.03.2022 for making an entry in the encumbrance register that Document No.1717/2020 is a fraudulently registered document. Challenging the same, the present writ petition came to be filed.

3. There is considerable merit in the contention of the learned counsel for the petitioner that in respect of one cause of action, the second respondent could not have issued two proceedings. But then, considering the special facts and circumstances, I do not want to interfere. The second respondent after arriving at a finding in favour of the fifth respondent ought to have passed the present order in first round itself.

4. Be that as it may, the petitioner had already filed a civil suit in O.S.No.197 of 2020 before the Principal District Munsif Court, Thirumangalam. The rights of the parties will abide by the outcome of



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the civil suit. The learned Principal District Munsif, Thirumangalam is directed to dispose of O.S.Nos.123 and 197 of 2020 on merits and in accordance with law within a period of twelve months from the date of receipt of a copy of this order. I make it clear that I have not gone into the merits of the matter. The learned trial Judge will decide the issue based on the evidence adduced before the trial Court and it shall not be influenced by the impugned order passed by the second respondent. The Registry is directed to mark a copy of this order to the learned Principal District Munsif, Thirumangalam.

5.This writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

05.10.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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Copy to:

The Principal District Munsif,
Thirumangalam.



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G.R.SWAMINATHAN, J.

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