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W.P.(MD)NO.8781 OF 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.10.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.8781 of 2022 AND
W.M.P.(MD)Nos.6390 & 6392 of 2022

M.Urkalan

... Petitioner

Vs.

1. The District Registrar
(Administration),
Periyakulam,
Theni District.

2. The Sub Registrar,
Aandipatti,
Theni District.

3. Pandiyarajan

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the first respondent dated 24.03.2022 passed in her proceedings in Na.Ka.No.5454/E2/2021 and quash the same as illegal and consequently direct the second respondent to remove the entries insofar as 5 cents of lands in S.No.432/2A is concerned made in the index of register maintained by him.



For Petitioner : Mr.S.Sukumar
For R-1 & R-2 : Mr.C.Satheesh,
Government Advocate.
For R-3 : Mr.S.Abdul Rahman

* * *

ORDER

Heard both sides.

2. At the instance of the third respondent, the first respondent had characterised document Nos.2041/1990, 3369/2004 and 153/2005 on the file of the second respondent as fraudulent. Admittedly, there is no impersonation. The first respondent has rather gone into the title issue. It is seen that the petitioner has already filed O.S.No.41 of 2022 on the file of the Sub Judge, Theni, seeking the relief of declaration and permanent injunction. The third respondent figures as the defendant in the suit. Therefore, the first respondent was not justified in passing the impugned order.

3. In this view of the matter, the impugned order is set



aside. This writ petition stands allowed. The rights of parties will abide by the outcome of the civil suit. No costs. Consequently, connected miscellaneous petitions are closed.

09.10.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
PMU

To:

1. The District Registrar
(Administration),
Periyakulam,
Theni District.
2. The Sub Registrar,
Aandipatti,
Theni District.



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G.R.SWAMINATHAN,J.

PMU

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