



W.P(MD)No.13731 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.13731 of 2023

and

W.M.P(MD)No.11539 of 2023

Meenakshi

... Petitioner

Vs.

1.The Inspector General of Registration,
Office of the Inspector General of Registration,
No.100, Santhome Road,
Chennai - 600 028.

2.The District Registrar (Administration),
Pattukottai,
Thanjavur District.

3.The Sub Registrar
Peravurani,
Thanjavur District.

4.Ramanathan

5.Rajendran



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6.Shanthi

7.Sakunthala

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified mandamus to call for the records of the impugned order of the 2nd respondent in Na.Ka.No. 894/A4/2023 dated 13.03.2023 and quash the same and further direct the 2nd respondent to cancel the fraudulent sale deed in Doc.No. 3219/2022 dated 28.06.2022 executed by the respondents 5 to 7 in favour of the 4th respondent in respect of the petitioner's properties in S.No.45/2A measuring about 32 cents and S.No.45/2B measuring about 35 cents situated at Manakkadu Village, Peravurani Taluk, Pattukkottai, Thanjavur District.

For Petitioner : Mr.R.Maheswaran

For Respondents : Mr.M.Prakash, - for R1 to R3
Additional Government Pleader



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ORDER

The petitioner had given an undated representation to the second respondent / District Registrar (Administration), Pattukottai, Thanjavur District. The petitioner claimed that the provisions under Section 77-A of the Indian Registration Act, 1908 are attracted.

2. However, a perusal of the impugned order shows that the petitioner lays a claim on the basis of an unregistered sale deed. It may not be proper on the part of the authorities to proceed further on the basis of unregistered sale deed and determine the issues. The issues are to be determined in a civil suit which is already pending in O.S.No.23 of 2023 now pending before the District Munsif Court, Peravurani, Thanjavur District. That suit has been filed by the fourth respondent herein and the petitioner herein is the first defendant in the suit.

3. The petitioner may take up all these issues before the second respondent and also before that particular Court. But parallel proceedings, particularly in a Writ under Article 226 of the Constitution



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cannot be encouraged. It is also seen that there is an appeal remedy is available under Section 77-B of the Indian Registration Act.

4. The Writ Petition stands dismissed, giving those options to the petitioner herein, even without issuing notice to the respondents 4 to 7 and based on the arguments advanced by Mr.M.Prakash, learned Additional Government Pleader. No costs. Consequently, connected miscellaneous petition is closed.

13.06.2023

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

RM



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C.V.KARTHIKEYAN, J.

RM

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