



W.A.(MD).Nos.1033, 1234 and 1235 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 23.11.2023

CORAM

**THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN**

W.A.(MD).Nos.1033, 1234 and 1235 of 2023

W.A.(MD).No.1033 of 2023

Dr.U.Shivakumar

.. Appellant/4th Respondent

Vs.

1.R.Selvi

..1st Respondent/Writ Petitioner

2.The District Registrar,
Assistant Inspector General of Registration,
Registration Department,
Trichy District.

3.The Sub Registrar I,
Registration Department,
Trichy District.

4.The Sub Registrar II,
Registration Department,
Trichy District.

.. Respondents 2 to 4/
Respondents 1 to 3

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying to set aside the order dated 29.04.2022 in W.P.(MD).No.17604 of 2021 and allow the Writ Appeal as prayed for.



W.A.(MD).Nos.1033, 1234 and 1235 of 2023

For Appellant : Mr.KPS.Palanivel Rajan
Senior Counsel
for M/s.K.P.S.Law Associates

For R-1 : Mr.AN.Ramanathan

For R-2 to R-4 : Mr.S.Shanmugavel
Additional Government Pleader

W.A.(MD).No.1234 of 2023

Dr.U.Shivakumar

.. Appellant/Writ Petitioner

Vs.

1.The District Revenue Officer,
Tiruchirappalli,
Trichy.

2.The Revenue Divisional Officer,
Tiruchirappalli,
Trichy.

3.Arumugam

4.PAKT Educational Trust,
Represented by its Trustees,
i. Mr.PR.Sathiyamoorthy,
ii. Mrs.S.Geetanjali,
No.3, 1st Street, Marees Avenue,
Collector Office Road,
Trichy 01.

5.M.Venkatachalam

6.Selvi



W.A.(MD).Nos.1033, 1234 and 1235 of 2023

WEB COPY

7.Gandhi

8.Ilanjiyam

9.Mookkayee

10.Amuthavalli

.. Respondents/Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying to set aside the order dated 29.04.2022 in W.P.(MD).No.10026 of 2021 and allow the Writ Appeal as prayed for.

For Appellant	: Mr.KPS.Palanivel Rajan Senior Counsel for M/s.K.P.S.Law Associates
For R-1 & R-2	: Mr.S.Shanmugavel Additional Government Pleader
For R-4	: Mr.IG.Ivyn for M/s.Isaac Chambers
For R-6	: Mr.AN.Ramanathan

W.A.(MD).No.1235 of 2023

Dr.U.Shivakumar

.. Appellant/3rd Respondent

Vs.

1..PR.Sathyamoorthy

.. Respondent/Writ Petitioner

2.The Deputy Inspector General of Registration,
Office of D.I.G. of Registration,
Mannarpuram,
Trichy 20, Trichy District.



W.A.(MD).Nos.1033, 1234 and 1235 of 2023

3.The District Registrar,
District Registrar Office,
District Court Campus,
Trichy 1, Trichy District.

.. Respondents/Respondents 1 & 2

4.Elanchiyam

5.Amuthavalli alias Amutha

6.Mookayee

7.Kala @ Kalarani

8.C.Raj

9.R.Selvi

10.Ramya

11.Venkatachalam

12.Arumugam

.. Respondents/Respondents 4 to 12

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying to set aside the order dated 29.04.2022 in W.P.(MD).No.20034 of 2021 and allow the Writ Appeal as prayed for.

For Appellant	: Mr.KPS.Palanivel Rajan Senior Counsel for M/s.K.P.S.Law Associates
For R-1	: Mr.IG.Ivyn for M/s.Isaac Chambers
For R-2 & R-3	: Mr.S.Shanmugavel Additional Government Pleader
For R-9	: Mr.AN.Ramanathan



WEB COPY



W.A.(MD).Nos.1033, 1234 and 1235 of 2023

COMMON JUDGMENT

(Judgment of the Court was delivered by S.M.SUBRAMANIAM,J.)

The Writ Appeals have been instituted against the common order dated 29.04.2022 passed in Civil Revision proceedings and in the writ proceedings.

2. The learned Single Judge carefully considered the issues raised between the parties and has rightly not made any finding so as to cause prejudice to the interest of the parties to establish their rights before the competent Civil Court of law in a partition suit in O.S.No.4 of 2018.

3. The suit for partition is pending. The parties have approached the District Registrar, who in turn passed an order dated 11.12.2020, stating that the competent authorities of the Registration Department are not conferred with the powers to cancel the registered document under the Registration Act, 1908. The said power has been conferred recently by inserting Section 77A and 77B. During the relevant point of time when the application was filed in the year 2020, the power was not available. The learned Single



W.A.(MD).Nos.1033, 1234 and 1235 of 2023

Judge therefore relegated the parties to approach the Civil Court in O.S.No. 4 of 2018 and O.S.No.260 of 2018.

4. In paragraph No.21 of the order impugned, it is observed that the respondents in Civil Revision Petition had stated that already as per the partition deed, the family members have partitioned the properties. Even though the partition deed is unregistered one, it is acted upon by the vendor of the civil revision petitioner/D-8. So all the issues can be decided only before the Civil Forum. The District Registrar cannot declare the registered sale deed as invalid and only the Civil Court is conferred with the said power.

5. Any further finding by us in the present Writ Appeals may cause prejudice and will have certain implications while examining the documents and evidences to be submitted between the parties in the civil suits. Therefore, we are not inclined to entertain the Writ Appeals. The parties are at liberty to establish their civil rights in the manner known to law independently and through documents and evidences available.



W.A.(MD).Nos.1033, 1234 and 1235 of 2023

6. With the above observations, the common order of the learned Single Judge dated 29.04.2022 stands confirmed and the Writ Appeals are dismissed. The Civil Court concerned is requested to dispose of the civil suits as expeditiously as possible, provided the parties co-operate for such early disposal. There shall be no order as to costs.

(S.M.S.,J.) (V.L.N.,J.)
23.11.2023

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

To

- 1.The District Registrar,
Assistant Inspector General of Registration,
Registration Department,
Trichy District.
- 2.The Sub Registrar I,
Registration Department,
Trichy District.
- 3.The Sub Registrar II,
Registration Department,
Trichy District.
- 4.The District Revenue Officer,
Tiruchirappalli,
Trichy.



W.A.(MD).Nos.1033, 1234 and 1235 of 2023

5. The Revenue Divisional Officer,
Tiruchirappalli,
Trichy.

6. The Deputy Inspector General of Registration,
Office of D.I.G. of Registration,
Mannarpuram,
Trichy 20, Trichy District.



WEB COPY



W.A.(MD).Nos.1033, 1234 and 1235 of 2023

S.M.SUBRAMANIAM,J.
and
V.LAKSHMINARAYANAN,J.

Lm

W.A.(MD).Nos.1033, 1234
and 1235 of 2023

23.11.2023