



WP(MD)No.17130 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.07.2023

CORAM:

**THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

WP(MD).No.17130 of 2023 and  
WMP(MD) No.14333 of 2023

Avvaiyar

... Petitioner

Vs

1.The Deputy Inspector General of Registration,  
Tirunelveli Zone,  
Tirunelveli.

2.The District Registrar,  
(Administration),  
Cheranmahadevi,  
Tirunelveli District.

3.The Sub Registrar,  
Kallidaikurichi Sub Registrar Office,  
Tirunelveli District.

4.A.Boothapandi.

... 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



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records pertaining to the impugned order passed by the first respondent in Na.Ka.No.2544/Tha.P/2022 dated 23.01.2023 by confirming the impugned order passed by the second respondent in order no. 1020/A2/2021 dated 24.03.2022 and quash the same as illegal.

For Petitioner : Mr.A.Sankararamasubramanian  
For F1 to R3 : Mrs.D.Farjana Ghoushia  
Special Government Pleader

### **ORDER**

The petitioner has purchased a property in S.No.287/1 to an extent of 32 cents, situate at Ayansingampatti Village, Ambasamudram Taluk, Tirunelveli District from one Manakavalan on 22.01.2020. The said Manakavalan has got the property from one Pappa @ Eswari, the wife of the fourth respondent, namely, A.Boothapandi. The land in Survey No.287/1 has been allotted to the fourth respondent in a registered partition deed, in Document No.972/1981 on the file of the Sub Registrar, Kallidaikurichi. The fourth respondent, namely, A.Boothapandi was convicted in a criminal case and has been confined in Central Prison. During the period of his confinement, his wife Pappa @ Eswari has sold the subject land to Manakavalan, the brother of



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Boothapandian, by way of a registered Document No.568/1992. The petitioner has purchased the property from the said Manakavalan vide document No.79/2020. After coming out of the jail, the said Boothapandian has submitted an application before the Registrar for conducting an enquiry in this regard, based on which, the District Registrar has conducted an enquiry under Section 68(2) of the Registration Act and has passed this impugned order, dated 23.01.2023 in Na.Ka.No.2544/Tha.P/2022, dated 23.01.2023, declaring that the document registered by the wife of the fourth respondent, as Document No.568 of 1992 in favour of Manakavalan and the subsequent document registered by the said Manakavalan in favour of the petitioner as Document No.79/2020 are obtained in a fraudulent manner. Challenging the same, this writ petition is filed.

2.It is reported that with regard to this issue, a suit in O.S.No.72 of 2001 is pending before the District Munsif Court, Ambasamudram.



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3.Considering the fact that the issue involved in this writ petition is already pending in O.S.No.72 of 2001 before the District Munsif Court, Ambasamudram, the petitioner can work out his remedy in the pending civil suit.

4.Accordingly, this writ petition is dismissed with a liberty to the petitioner to work out her remedy before the competent civil Court. No costs. Consequently, connected Miscellaneous Petition is closed.

**17.07.2023**

NCC : Yes / No.  
Index : Yes / No.  
vrn



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To

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**B.PUGALENDHI, J.**

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**WP(MD).No.17130 of 2023 and**  
**WMP(MD) No.14333 of 2023**

**17.07.2023**