

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.03.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

**W.P.(MD)No.22200 of 2022
and
W.M.P.(MD)No.16378 of 2022**

K.Parameswari

... Petitioner

Vs.

1. The Inspector General of Registration,
Tamil Nadu Registration Department,
No.100, Santhome High Road,
Chennai - 600 028.
2. The Deputy Inspector General of Registration,
Tamil Nadu Registration Department,
Rajagambeeram,
Y.Othakadai,
Madurai - 625 107.
3. The District Registrar (Administration),
Palani,
Dindigul District.
4. The Sub Registrar,
Guzilamparai Sub Registration Office,
Dindigul District.

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Prabhu Krishnan,
The Sub Registrar,
Guzilampai Sub Registration Office,
Dindigul District.

5. K.Sathiyamuthu

6. Mugudeeswaran

... Respondents

(R5 is *suo motu* deleted vide order dated 28.03.2023
passed in W.P.(MD)No.22200 of 2022)

(Respondents 6 and 7 are rearranged as respondents
5 and 6 vide order dated 28.03.2023 passed in W.P.
(MD)No.22200 of 2022)

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records pursuant to the impugned order passed by the fifth respondent in his proceedings in Na.Ka.No.465-1/2022, dated 06.09.2022 and quash the same as illegal and consequently, directing the fifth respondent not to register the document produced by the sixth respondent pertaining to the petitioner's property in S.F.No.741, to an extent of 67 cents, situated at Vaivespuram, Nagayakottai Post, Dindigul District, without following the procedure as contemplated under Section 5 of the Tamil Nadu Patta Pass Book Act, 1986.

For Petitioner : Mr.S.Gokul Raj

For Respondents : Mr.C.Satheesh
Government Advocate for R1 to R4
Mr.M.Jothi Basu for R5 and R6

O R D E R

This Writ Petition has been filed in the name of certiorarified mandamus seeking records relating to an order passed by the fifth respondent / the Sub Registrar, Guzilamparai Sub Registration Office, Dindigul District in Na.Ka.No.465-1/2022, dated 06.09.2022 and quash the same and direct the said fifth respondent not to register any documents produced by the sixth respondent relating to the property of the petitioner in S.F.No.741, measuring 67 cents at Vaivespuram, Nagayakottai Post, Dindigul District without following the procedure contemplated under Section 5 of the Tamil Nadu Patta Pass Book Act, 1986.

2. Even before proceeding further, even though the relief had been sought against the fifth respondent, the fifth respondent is none other than the fourth respondent, but impleaded in private capacity.

3. Allegations have been stated. But, I do not think it would be proper for Writ Court to adjudicate on those issues. Therefore, the fifth respondent is deleted from the array of parties.

4. The Registry, before issuing the order copy, may delete the fifth respondent and rearrange the respondents 6 and 7 as respondents 5 and 6.

5. The petitioner, K.Parameswari and newly rearranged fifth respondent, K.Sathiyamuthu are relatives. They have disputes relating to the property. A document had been presented by the fifth respondent, K.Sathiyamuthu for registration. The petitioner had given a protest petition. By the impugned notice, the fourth respondent /Sub Registrar, Guzilamparai Sub Registration Office, Dindigul District had directed the petitioner to produce certain documents relating to S.No.741. Aggrieved by that notice, the present Writ Petition has been filed.

6. This Court can never adjudicate on this issue, since this Court can never substitute itself for the Sub Registrar, Guzilamparai Sub Registration Office.

7. All these issues are entirely and purely within the jurisdiction of that particular official who has to adjudicate on the basis of the Registration Act and the Rules provided under the Registration Rules. Guidelines are presented and guidelines will have to be followed.

8. The petitioner additionally states that the provisions of the Tamil Nadu Patta Pass Book Act should also be examined. I am confident that the Sub Registrar would do the necessary needful, but prior to that, the petitioner must appear for the enquiry.

9. A direction is, therefore given that the petitioner, K.Parameswari and the fifth respondent, K.Sathiyamuthu must appear before the second respondent along with the sixth respondent, Mugudeeswaran. All the parties are directed to produce their respective documents and on the basis of that, the fourth respondent / Sub Registrar, Guzilamparai Sub Registration Office may

take a considered decision about to register or not to register the documents. Either was he must give necessary reasons for the decision which he takes. Let the fourth respondent, therefore, issue a fresh notice to both the petitioner and the newly rearranged respondents 5 and 6 fixing the date for appearance and on that date, let them produce necessary documents and thereafter, within a period of 14 working days, let the fourth respondent / Sub Registrar, Guzilamparai pass orders. It is needles to point out that any order passed, must be with reasons.

10. This Writ Petition stands disposed of. Consequently, connected Miscellaneous Petition is closed. There shall be no order as to costs.

28.03.2023

NCC: Yes / No

Index : Yes / No

Speaking Order : Yes / No

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Note: Registry is directed to carry out necessary

amendments in the cause title.

To

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