



W.P(MD)No.28671 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 06.12.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.28671 of 2023

and

W.M.P(MD)No.24730 of 2023

Ochikaruppi

... Petitioner

Vs.

- 1.The Inspector General of Registration,
No.120, Santhome Road,
Chennai – 600 028.
- 2.The Deputy Inspector General of Registration,
Madurai Zonal,
Companied Registration Office Buildings,
Rajakampiram,
Y.Othakadai,
Madurai District – 625 107.
- 3.The District Registrar (Administration),
Madurai South,
Madurai District.
- 4.The Sub Registrar,
Sub Registrar Office,
Thirupparankundram,
Madurai District.



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5.The Sub Registrar,
Sub Registrar Office,
Nagamalaiputhukottai,
Madurai District.

6.Ravi Chandran

7.Pichai

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order dated 24.04.2023 in his proceedings in Na.Ka.En 7415/Aa4/2022 on the file of the second respondent and quash the same and consequently direct the second respondent to cancel the release deeds dated 27.05.2016 in Documents No.1630 and 1631 registered at Sub Registrar Office at Thiruparankundram, Madurai District.

For Petitioner : Mr.K.Palmurugan

For Respondents : Mr.M.Siddharthan
Additional Government Pleader
for R.1 to R.5

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Additional Government Pleader appearing for the official respondents.

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2.The petitioner impeaches the validity of the petition mentioned document that was executed in the year 2016. The third respondent declined to interfere in the matter and called upon the petitioner to pursue her remedy in the civil Court.

3.It is seen that the petitioner filed partition suit against the private respondents in O.S.No.489 of 2017 on the file of the Sub Court, Thirumangalam (originally O.S.No.208 of 2013). The petitioner appears to have obtained exparte decree. If that be so, the remedy open to the petitioner is to enforce the same. Since the petition mentioned document was executed during the pendency of the suit, it is subject to the rights of the petitioner in the suit. Granting liberty to the petitioner to enforce the decree said to have been obtained in her favour, this writ petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

06.12.2023

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

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G.R.SWAMINATHAN, J.

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