



W.P(MD)No.30335 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 19.12.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.30335 of 2023

V.Shanmugam

... Petitioner

Vs.

1.The District Registrar,
Registration Department,
Pudukkottai,
Pudukkottai District.

2.The Sub Registrar,
Aranthanki,
Pudukkottai District.

3.Ayyakkannu

... 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 passed by the second respondent in his proceedings in Na.Ka.No.446/2023 dated 31.10.2023 and set aside the same and consequently direct the second respondent to accept petitioner's protest petition 30.10.2023 and decide the same on



W.P(MD)No.30335 of 2023

merits after giving opportunity to the parties concerned within a stipulated period.

For Petitioner : Mr.R.Jagadeeswaran

For Respondents : Mr.C.Satheesh
Government Advocate for R.1 & R.2

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Government Advocate appearing for the respondents 1 and 2.

2.The petitioner and the third respondent are brothers. The case of the petitioner is that the petition mentioned property stood in the name of their father Vellaiyan and after his demise, the revenue record was fraudulently mutated in favour of the third respondent.

3.If that be so, then the petitioner has to necessarily move the jurisdictional civil Court for relief. If the petitioner files any suit against the third respondent, it shall be numbered immediately subject to the fulfilment of the usual formalities. The petitioner can implead the



W.P(MD)No.30335 of 2023

registering authority as a respondent in the Interlocutory Application alone even without making the registering authority as defendant in the main suit. Such an Interlocutory Application shall be disposed of on merits and in accordance with law as expeditiously as possible. I make clear that I have not gone into the merits of the matter.

4. Granting such liberty to the writ petitioner and the aforesaid direction to the trial Court, this writ petition is disposed of. There shall be no order as to costs.

19.12.2023

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

To

1. The District Registrar,
Registration Department,
Pudukkottai, Pudukkottai District.

2. The Sub Registrar,
Aranthanki,
Pudukkottai District.

3/4



WEB COPY



W.P(MD)No.30335 of 2023

G.R.SWAMINATHAN, J.

MGA

W.P(MD)No.30335 of 2023

19.12.2023