



WEB COPY



W.P.No.11459 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :22.04.2024

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.11459 of 2023 and
W.M.P.No.11343 of 2023

J.Balu

Vs.

... Petitioner

1.The Deputy Inspector General
of Registration,
Cuddalore Division,
Cuddalore District.

2.The District Registrar,
Administration,
Cuddalore.

3.Themozhi Cristinal

4.S.Sriram

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records of the first respondent in Na.Ka.No.5084/oo/2022 and quash the order dated 21.03.2023.

For Petitioner : Mr.V.V.Sairam



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For Respondents : Mr.B.Vijay, AGP for R1 & R2
Mr.D.Selvavinayagam for R3
No appearance for R4

ORDER

This Writ Petition has been filed for the issuance of a Writ of Certiorari, to call for the records of the first respondent in Na.Ka.No.5084/oo/2022 and quash the order dated 21.03.2023.

2. Heard Mr.V.V.Sairam, learned counsel for the petitioner, Mr.B.Vijay, learned Additional Government Pleader for R1 & R2 and Mr.D.Selvavinayagam, learned counsel for R3.

3. Challenging the orders of the appellate authority directing the parties to go to the Civil Court to agitate their rights, the present Writ Petition has been filed. The third respondent has given a complaint to cancel the power of attorney executed in favour of one Saraswathi and consequently, the sale deed was executed by the power agent in the year 2022. The complainant viz., the third respondent contends that she purchased the property in the year 1995 from one Amirthavalli Ammal who was the legatee under the Will executed by the Balasundarammal.



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Whereas, the petitioner contends that he is the purchaser from the true owner. Therefore, the Will and adoption pleaded is not correct.

4. Since the issue is with regard to the proof of will and adoption, the District Registrar relegated the parties to the Civil Court. Challenging the same, an appeal has been filed before the Inspector General of Registration. The said order has been confirmed by the Inspector General of Registration. Challenging the same, this Writ Petition has been filed.

5. Though the counter has been filed tracing the respective title on the suit property, on the face of it, this Court is of the view that such complaint cannot be entertained by the authorities. The issues involved is with regard to the Will, particularly, proof of the Will, adoption and title, it can be decided only after appreciating the evidences before the Civil Court and the Civil Court shall decide the issue on its own merits and dispose of the suit. The parties shall agitate their rights in the civil suit.

6. With the above observations, this Writ Petition is dismissed. No



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costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes /No
Speaking / Non-speaking
Neutral Citation : Yes / No
gsk

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To

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- 1.The Deputy Inspector General
of Registration,
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Cuddalore District.
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Administration,
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N.SATHISH KUMAR, J.

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