



WEB COPY



W.P.No.11358 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.11358 of 2023 and
W.M.P.No.11252 of 2023

E.Stalin

... Petitioner

Vs.

1.The Deputy Inspector General of
Registration,
Chennai Region, Ground Floor,
Combined Commercial Tax Department and
Registration Department Buildings,
Veterinary Hospital Road,
Pernpet, Nandanam,
Chennai 600 035.

2.The District Registrar (Administration),
South Chennai,
Combined Commercial Tax Department and
Registration Department Buildings,
Veterinary Hospital Road,
Pernpet, Nandanam,
Chennai 600 035.

3.K.Ramadoss

... 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 relating to the proceedings dated 09.03.2023 made in No.20443/E2/2022 on the file of



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the District Registrar (Administration), South Chennai, Chennai 600 035,
the 2nd respondent herein and quash the same.

For Petitioner : Mr.A.V.Arun
For Respondents : Mr.B.Vijay, AGP for R1 & R2
Mr.P.Krishnan for R3

ORDER

This Writ Petition has been filed for the issuance of a Writ of Certiorari, to call for the records relating to the proceedings dated 09.03.2023 made in No.20443/E2/2022 on the file of the District Registrar (Administration), South Chennai, Chennai 600 035, the 2nd respondent herein and quash the same.

2. Heard Mr.A.V.Arun, learned counsel for the petitioner, Mr.B.Vijay, learned Additional Government Pleader for R1 & R2 and Mr.P.Krishnan, learned counsel for R3.

3. The challenge has been made to the notice issued under Section 77(A) of the Registration Act, for enquiry on the basis of the complaint given by the third respondent.



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4. From the records, it appears that a civil suit has already been filed and pending for the relief of declaration in O.S.No.137 of 2013. In the earlier round of litigation between the parties, a Writ Petition in W.P.No.29673 of 2016 has been filed and the same was disposed of on 14.11.2022, wherein, this Court directed the District Munsif, Poonamallee, to decide the suit in O.S.No.137 of 2013, without being influenced by any of the order passed by the Revenue Officials including the Deputy Inspector General of Registration. In such view of the matter, when the Civil Suit is pending with regard to the document, now, Section 77(A) cannot be invoked. Particularly, with regard to fraudulent transaction, only the Court has to decide such issue.

5. The counter filed by the third respondent is to the effect that the complaint has been given only for enquiry. The entire counter is with regard to the tracing of the title of the third respondent. Since the suit is already pending, the parties can workout the remedy in the pending suit.

6. With the above observations, this Writ Petition is allowed and



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the proceedings dated 09.03.2023 made in No.20443/E2/2022 on the file of the District Registrar (Administration), South Chennai, Chennai 600 035, is quashed. No costs. Consequently, connected miscellaneous petition is closed.

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

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To

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N.SATHISH KUMAR, J.

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