



WA.No.1580/2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE K.RAJASEKAR

WA.No.1580/2024 & CMP.No.10967/2024

1.Malayathal

2.Mrs.Deivathal

3.Mrs.Dhanalakshmi

... Appellants

Vs.

1.S.Manikandan

2.The Inspector General of Registration

O/o.The Inspector General of Registration,

No.100, Santhome High Road,

Santhome, Chennai 600 004.

3.The District Registrar

District Registration Office

Collectorate Compound

State Bank Road, Coimbatore,

Tamil Nadu 641 018.

4.The Sub Registrar

Sub Registrar Office



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Sub Registrar Office Street

Anaimalai [TK]

Coimbatore [DT]

Tamil Nadu 642 104.

5.Mr.Sivakumar

6.Mr.Sakthivel

... Respondents

Prayer : Writ appeal filed under Clause 15 of Letters Patent against the order dated 16.04.2024 in WP.No.10292/2024.

For Appellants : Mr.P.Tamilavel

For Respondents : Mr.B.Vijay, AGP for RR 2 to 4

Mr.R.Naveen for R1

No appearance for RR5 & 6

JUDGMENT

[Order of the Court was made by S.S.SUNDAR, J.,]

(1) This writ appeal is directed against the order of the learned Single Judge dated 16.04.2024 in the writ petition filed by one Manikandan, 1st respondent herein in WP.No.10292/2024. The 1st respondent filed the writ petition for issuance of a writ of mandamus to direct the 2nd respondent to consider the writ petitioner's representation dated 05.02.2024 and to



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cancel the registered document vide Doc.Nos.119 and 120 of 2012 dated 09.01.20212 and a document vide Doc.No.6683/2023 dated 12.12.2023.

- (2) Since the learned Single Judge was of the view that the title dispute has been decided between the parties in SA.No.678/2014, liberty was given to the writ petitioner to present the decree passed in SA.No.678/2014 for registration as the registered documents cannot be cancelled. The 4th respondent in the writ petition has now filed the present writ appeal.
- (3) The learned counsel for the appellants relied upon the judgment of this Court dated 31.01.2024 in SA.No.718/2008 and submitted that the appellants' right under SA.No.718/2008 is taken away by the direction of the learned Single Judge.
- (4) The learned Additional Government Pleader appearing for the official respondents brought to the notice of this Court that the judgments and decrees passed in SA.Nos.678/2014 and 718/2008 have been registered.
- (5) When that is the position, the apprehension of the appellants that the document that may be presented by the appellants for registration will be refused, cannot be countenanced. Though the learned counsel suggested that the Sub Registrar has declined to entertain the document presented by



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the appellants for registration, this Court having regard to the submission of the learned Additional Government Pleader, is unable to accept the same. It is always open to the appellants to convey the land to which they are entitled to as per the decree in the two Second Appeals.

(6) When a document is presented for registration by the appellants, the same will be dealt with in accordance with law. This Court is unable to find any cause for the appellants to file an appeal as against the order passed in the writ petition filed by the 1st respondent herein. The order does not give rise to any cause of action to the appellants to file a writ appeal.

(7) This Court is unable to find any irregularity in the order of the learned Single Judge. In the writ petition filed by the 1st respondent, the appellants cannot be granted any relief. If they have an independent right and their right is interfered with by the official respondents by any order, it is always open to the appellants to file an independent writ petition.

(8) With the above observations, the writ appeal stands **dismissed**. No costs. Consequently, connected miscellaneous petition is closed.



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[S.S.S.R., J.] [K.R.S., J.]
28.08.2024

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AP

Internet : Yes

To

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S.S. SUNDAR, J.,
and
K.RAJASEKAR, J.,

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