



WEB COPY



WP.No.29688 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.04.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.29688 of 2022
and W.M.P.Nos.29079 of 2022 & 23406 of 2023

M.Senthil Vadivel

.. Petitioner

Versus

1.The Registrar of Co-operative Societies (Housing)
No.48, Ritherton Road, Vepery
Chennai – 600 007

2.The Inspector General of Registration
Santhome High Road
Chennai – 600 028

3.The District Registrar
Karaikudi

4.D.Victor Sebasthi Baskaran
5.S.P.Vellaisamy

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records relating to order dated 08.08.2022 in proceedings No. 13673/U1/2022 of the 2nd Respondent herein confirming the order dated 26.09.2021 in Na.Ka.No. 1761/A1/2021 of the 3rd Respondent and quash the same.

For Petitioner : Mrs.A.L.Ganthimathi, Senior Counsel
for AR.Karthik Lakshmanan

For Respondents : Mr.B.Vijay for R1 to R3
Additional Government Pleader
Mr.G.Ravishankar for R4 & R5



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ORDER

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2. This writ petition has been filed challenging the order dated 08.08.2022 in proceedings No. 13673/U1/2022 of the 2nd Respondent herein confirming the order dated 26.09.2021 in Na.Ka.No. 1761/A1/2021 of the 3rd Respondent and quash the same.

3. It is the grievance of the writ petitioner that without any title to the property, based on the power of attorney executed by the fourth respondent, the property is sold to the fifth respondent. Challenging the same, a complaint was made before the third respondent and the third respondent passed order including the sale deed under Appendix II. An appeal was filed before the second respondent and the second respondent relegated the parties to the civil court. Challenging the same, this writ petition.

4. Heard both sides and perused the materials placed on record. On perusal of the impugned order, it would indicate that there are several third party rights created. As far as the title is concerned, the allotment in favour of



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the 4th respondent is not in dispute, the proceedings of the first respondent dated 29.07.2015 would also indicate the same. Similarly, the entire sale consideration is also received by the Society. Further, allotment in favour of fourth respondent is also challenged in W.P.(MD).No.16308 of 2019, which was dismissed by order dated 10.09.2020 and appeal in W.A.(MD).No.399 of 2021 was also subsequently dismissed. Now, a suit is also pending in O.S.No.185 of 2015 on the file of District Munsif, Karaikudi filed by S.Mohan, who claims to be purchaser.

5. Such view of the matter, when there are several third party rights created over the property, this Court is of the view that let the parties agitate their rights before the Civil Court, since all of them are party in the suit. Accordingly, the Registrar cannot go into the question of title merely on the basis of the submission on one side.

6. In view of the above, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

16.04.2024

dhk

Index : Yes/No

Internet : Yes/No

Neutral Citation : Yes/No

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N. SATHISH KUMAR, J.

dhk

To,

1.The Registrar of Co-operative Societies (Housing)
No.48, Ritherton Road, Vepery
Chennai – 600 007

2.The Inspector General of Registration
Santhome High Road
Chennai – 600 028

3.The District Registrar
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