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W.P.No.34570 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 26.02.2024

CORAM

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

**W.P.No.34570 of 2023 and
W.M.P.Nos.34485 and 34487 of 2023**

R.Loganathan

... Petitioner

Versus

1. The District Registrar,
O/o.The District Registrar,
Tiruppur.

2. The Sub Registrar,
O/o.The Sub Registrar,
Palladam.

3. A.Chinnasamy

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus to call for the records relating to the proceedings of the second respondent in Na.Ka.No.667/2022 dated 24.11.2022 and quash the same as illegal and consequently direct the second respondent to register the document in Doc.No.P21/2021 on the file of the second respondent.

For Petitioners : Mr.S.Sithirai Anandam

For Respondents : Mr.U.Baranidharan,
Spl. Govt. Pleader for R1 & R2



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ORDER

This writ petition has been filed for the issuance of Writ of Certiorarified Mandamus to call for the records relating to the proceedings of the second respondent in Na.Ka.No.667/2022 dated 24.11.2022 and quash the same as illegal and consequently direct the second respondent to register the document in Doc.No.P21/2021 on the file of the second respondent.

2 Learned counsel for the petitioner submitted that even though earlier the petitioner filed a Writ Petition and this Court gave a direction to consider the representation, when the petitioner presented the document in question for registration, from the impugned order, it is clear that, the authority without considering his representation as directed by this Court, simply passed the impugned order which is just a cryptic order. Now the official respondents have filed counter affidavit in the present writ petition stating that the petitioner has not co-operated and not produced the documents. But, however, this Court can now direct the second respondent to consider and pass appropriate orders, after receiving the document.

3 Even though notice served on the third respondent, he has not chosen to appear before this Court either in person or through counsel.



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4 The learned Special Government Pleader appearing for the official respondents submitted that the petitioner has filed a statutory appeal challenging the very same impugned order, but the same is stated to be pending before the appellate authority. Therefore, the present Writ Petition is not maintainable.

5 Heard both sides and perused the materials available on record.

6 The petitioner has earlier filed W.P.No.16805 of 2022 and by order dated 04.07.2022, this Court directed the respondents to entertain the document mentioned therein, if it is otherwise in order and pass appropriate orders within time stipulated in the order of this Court. Subsequently, the second respondent passed the impugned order, dated 24.11.2022. Now, challenging the same, the writ petitioner has filed statutory appeal before the first respondent and the same is stated to be pending. The petitioner has filed the present Writ Petition challenging the very same order. The petitioner has got efficacious, alternative and effective statutory remedy and he also invoked the said statutory remedy by filing appeal. Further when the said appeal is pending before the first respondent for passing final orders, the petitioner, without waiting for the final order that would be passed in the said appeal, has hastily again filed the present



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7 Therefore there cannot be two parallel proceedings by challenging the very same order and hence, the present Writ Petition is not maintainable and the same is dismissed. Consequently connected miscellaneous petitions are closed. No costs.

8 However, the petitioner is at liberty to work out his remedy before the appellate authority in the said pending appeal, in the manner known to law. The first respondent is directed to hear the appeal of the petitioner and the private parties, if any in that appeal and pass appropriate orders on merits, and in accordance with law, within a period of two months from the date of receipt of a copy of this order.

26.02.2024

Index: Yes/No

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To

1. The District Registrar,
O/o.The District Registrar, Tiruppur.

2. The Sub Registrar,
O/o.The Sub Registrar, Palladam.



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P.VELMURUGAN, J.,

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