



Order dated 06.02.2024 in
W.P.No.36454 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 06.02.2024

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.36454 of 2023
and
W.M.P.Nos.36467 and 36468 of 2023

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Mrs.P.Sathya
Represented by her Power Agent
Mrs.P.Balamani

.. Petitioner

Vs.

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

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

3. Mr.A.Chinnasamy

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the proceedings of the second respondent in Na.Ka.No.666/2022, dated 24.11.2022 and quash the same as illegal and consequently direct the second respondent to register the document in Doc.No.P20/2021 on the file of the second respondent.



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For petitioner : Mr.S.Sithirai Anandam

For respondents: Mr.U.Baranidharan, Addl.G.P. for RR-1 and 2

Mr.A.Thiyagarajan for R-3

ORDER

The petitioner has filed the above Writ Petition praying for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the proceedings of the second respondent in Na.Ka.No.666/2022, dated 24.11.2022 and quash the same as illegal and consequently direct the second respondent to register the document in Doc.No.P20/2021 on the file of the second respondent.

2. Learned counsel for the petitioner submitted that though the petitioner presented the document in question for registration, but from the impugned order, it is clear that, without considering his representation, simply the impugned order has been passed by the authority. Though earlier the petitioner filed a Writ Petition, this Court gave a direction to consider the representation and based on the same, the official respondents did not consider his representation, but passed the impugned order, which is just a cryptic order, and though subsequently they have filed the present Writ petition, the official respondents have filed counter affidavit, in which they have stated that the petitioner has not co-operated and not produced the documents, but however,

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this Court can direct the second respondent to consider and pass appropriate orders, after receiving the document.

3. Though the notice was sent to the third respondent through counsel, he has not filed counter affidavit.

4. The learned Additional 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.16810 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. Since the petitioner has got efficacious, alternative and effective statutory remedy, and she has also invoked the said statutory remedy by filing appeal and also the present Writ Petition, that too



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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 Writ Petition. 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. The petitioner is at liberty to work out her 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. There shall be no order as to costs. Consequently, W.M.Ps. are closed.

06.02.2024

CS

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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