



WP(MD). No.1476 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 29/08/2024

CORAM

The Hon`ble Mr.Justice N.SATHISH KUMAR

**WP(MD). No.1476 of 2023 and
WMP(MD) Nos.1352 and 6977 of 2023**

1. K. Subban @ Raju,

2. Kumaresan.R,

3. Kathiresan.R,

... Petitioners

Vs

1. The District Registrar (Admi,
Nistraton), District Registrar Office,
Collectorate, Dindigul.

2. A.Saroja,
W/o.R.Alagarsamy, No. 2, New Agraharam
Street, Palani Road, Dindigul.

... Respondents

PRAYER :- Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorari to call for the records relating to the impugned proceedings dated 09.09.2022 passed by the 1st respondent in Na.Ka.No. 4033/Aa3/2021 and quash the same.



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For Petitioner : M/s. MP.Senthil
For Respondents : Mr.M.Siddharthan for R1
Additional Government Pleader
Mr.RR.Kannan for R2

ORDER

The writ petition has been filed challenging the impugned proceedings of the 1st respondent dated 09.09.2022.

2. It is the case of the petitioners that the subject property is the ancestral property. The first petitioner has executed a settlement deed in respect of some portion to the petitioners 2 and 3 and the remaining portion is with the first petitioner. While so, it came to light that mutation has been taken place wrongly in favour of the 2nd respondent. Therefore, the petitioners gave an application before the Revenue Divisional Officer to remove the name of the 2nd respondent from the patta and mutate the same in their favour, which was also ordered, against which, the 2nd respondent has filed an appeal. It is also stated that the 2nd respondent has also filed a suit in OS.No.288/2011 on the file of the Additional District Munsif, Dindigul seeking declaration and permanent injunction. While so, the petitioners were served with the impugned notice calling upon them to attend for an enquiry along with necessary documents.



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When the civil Court has seized of the matter, the first respondent has no jurisdiction to entertain the said petition. Challenging the same, the petitioners are before this Court.

3. It is stated by the 2nd respondent that in this regard, already a suit has been filed and suit is decreed in her favour.

4. I have considered the rival submissions and perused the materials available on record.

5. As the authorities have no power to enquire and cancel the document, the enquiry notice dated 09.09.2022 is quashed. The writ petition is allowed. No costs. Consequently connected Miscellaneous Petitions are closed.

29.08.2024

RR

TO

1. The District Registrar (Administration),
District Registrar Office,
Collectorate, Dindigul.

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N.SATHISH KUMAR,J

RR

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