



W.A.(MD) No.785 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.12.2024

CORAM:

**THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN
and
THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR**

**W.A.(MD) No.785 of 2021
and
C.M.P.(MD) No.3533 of 2021**

Chitiran

... Appellant

-VS-

- 1.The Inspector General of Registration
Chennai
- 2.The District Registrar (Administration)
O/O.Deputy Inspector General of Registration
District Registrar Office
Trichy District
- 3.The Sub Registrar
Sub Registrar Office
Trichy District
- 4.V.Rathinam

... Respondents



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Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 19.02.2021, passed in W.P.(MD) No.3294 of 2021, on the file of this Court.

For Appellant : Mr.P.Ganapathi Subramanian

For Respondents : Mr.M.Sarangan
Additional Government Pleader for R1 to R3
Mr.V.Karthik Raja
for M/s.Ajmal Associates for R4

J U D G M E N T

[Judgment of the Court was made by RMT.TEEKAA RAMAN, J.]

The unsuccessful writ petitioner is the appellant herein.

2. The appellant filed the above writ petition challenging the order purported to have been passed by the second respondent under Section 68(2) of the Registration Act, 1908 cancelling the document executed in his favour.

3. This Court, by order dated 19.02.2021, dismissed the writ petition on the ground that there is an effective alternative remedy available to



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the appellant herein before the first respondent based upon the Circular dated 31.07.2018, issued by the first respondent.

4. Learned Additional Government Pleader appearing for the respondents 1 to 3 would submit that this Court, in identical circumstances, by a common order dated 02.08.2024 in W.P.No.10291 of 2022 etc., batch ***[M.Kathirvel vs. The Inspector General of Registration and others]***, wherein one of us (N.S., J.) was a member, has held that there is an effective alternative remedy available to the appellant by way of approaching the competent Civil Court and hence, the jurisdiction of this Court under Section 226 of the Constitution of India cannot be invoked.

5. In view of the above submission, we are of the view that the issue involved in this case is no longer *res integra*.

6. Accordingly, this writ appeal is allowed. The order, dated 19.02.2021, passed in W.P.(MD) No.3294 of 2021, is set aside. Consequently, W.P.(MD) No.3294 of 2021 is allowed and order passed by the second respondent is hereby set aside. The parties are left open to agitate the matter before the Civil Court in the pending suit in O.S.No.175 of 2018 said to be



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pending on the file of the I Additional District Judge, Trichy. The learned Trial Judge shall dispose of the said suit in O.S.No.175 of 2018 on merits and in accordance with law, without being influenced by any of the observations made by this Court. No costs. Consequently, connected miscellaneous petition is closed.

[T.K.R., J.] [N.S., J.]

11.12.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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Note to Office:

Mark a copy of this order to the I Additional District Judge, Trichy.

To:

- 1.The Inspector General of Registration,
Chennai.
- 2.The District Registrar (Administration),
O/O.Deputy Inspector General of Registration,
District Registrar Office,
Trichy District.
- 3.The Sub Registrar,
Sub Registrar Office,
Trichy District.



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RMT.TEEKAA RAMAN, J.
AND
N.SENTHILKUMAR, J.

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