



W.P.(MD)Nos.6611, 2369 and 16779 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 24.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)Nos.6611 and 2369 of 2023

and

W.M.P(MD).Nos.6269, 6270 and 2154 of 2023

W.P(MD).No.6611 of 2023

N.Sankaran

... Petitioner

Vs.

1.The District Registrar,
Department of Registration,
Deputy Inspector General of Registration (Cadre),
Tirunelveli District, Tirunelveli.

2.The Deputy Inspector General of Registration,
Department of Registration,
Office of the Regional Deputy Inspector,
General of Registration,
Tirunelveli Region, Tirunelveli,
Tirunelveli District.

3.The Sub Registrar,
Office of the Sub Registrar,
North Valliyoor,
Tirunelveli District.

4.J.Muthaiah

5.Jessikala

... Respondents



W.P.(MD)Nos.6611, 2369 and 16779 of 2023

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the impugned order as passed in the appeal bearing No.Vide Na.Ka.No.1258/Tha.Pi./2022 dated 25.07.2022 by the second respondent preventing the petitioner from presenting any deed in any nature for registration in respect of the property bearing Survey No.1255/3B3 situated at North Valliyoor, Tirunelveli District and quash the same as illegal and erroneous and consequently direct the third respondent to accept the deed of presentation for sale or any other purpose forthwith.

For Petitioner : Mr.Palani Velayutham.S
For Respondents : Mr.C.Satheesh (for R1to R3)
Government Advocate
Mr.H.Arumugam (for R4)
Mr.R.Pon Karthikeyan (for R5)

W.P(MD).No.2369 of 2023

Y.Muthiah

... Petitioner

Vs.

- 1.The Deputy Inspector General of Registration,
Tirunelveli.
- 2.The District Registrar,
Tirunelveli.
- 3.The Sub Registrar,
Valliyoor, Tirunelveli DISTRICT.
- 4.N.Sankaran



W.P.(MD)Nos.6611, 2369 and 16779 of 2023

5.Jesikala

... Respondents

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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 order of the first respondent in Na.Ka.No.1258/Thapi/2022 dated 25.07.2022 and quash the same.

For Petitioner : Mr.H.Arumugam

For Respondents : Mr.C.Satheesh (for R1 to R3)
Government Advocate
Mr.s.Palanivelayutham (for R4)
Mr.K.Prabakaran (for R5)

COMMON ORDER

Challenge has been made to the impugned order in Na.Ka.No. 1258/Tha.Pi./2022, dated 25.07.2022, passed by the Deputy Inspector General of Registration.

2. The fact in brief is that on 28.08.2020, one Jesikala executed a sale deed in favour of one Sankaran vide Doc.No.1706 of 2020 in respect of the subject property. A complaint was originally given by one Muthiah, father of Jesikala, before the District Registrar that the said sale was the result of a fraudulent act, based on that, the District Registrar



W.P.(MD)Nos.6611, 2369 and 16779 of 2023

recorded that the said sale was fraudulent one and as far as the cancellation of document is concerned, parties are directed to approach the civil Court. Against which, appeal was filed by Sankaran before the first respondent, wherein the first respondent set aside the order of the District Registrar and relegated the parties to the civil Court and also directed the parties not to make any encumbrance in respect of subject property, until the civil Court passes necessary decree with regard to registration of the said property. Aggrieved by the order of the Deputy Inspector General of Registration, these writ petitions have been filed.

3. Heard both sides.

4. At the outset, a perusal of the impugned order, this Court is of the view that the order does not require any interference in entirety. Insofar as the order of the first respondent directing the parties not to create any encumbrance is concerned, it cannot be sustained. It is not for the authority to decide such issue. It is for the parties to work out their remedy in a civil Court. Hence, the observation that no registration or alienation can be taken alone is set aside.



W.P.(MD)Nos.6611, 2369 and 16779 of 2023

WEB COPY

5. Considering the nature of the dispute, the parties are directed to approach the civil Court to establish their right. It is stated that Muthiah has already filed O.S.No.153 of 2021 before the I Additional District Court, Tirunelveli. It is also contested by the fourth respondent. After filing of the suit, the complaint was given before the District Registrar. Thereafter, the said suit was withdrawn. Now, after the appeal order, once again an application has been filed to restore the said suit, which was pending. In such view of the matter, this Court directs the First Additional District Court to take the suit in O.S.No.153 of 2021 on file and decide the issue on its own merits and in accordance with law.

6. In view of the above direction, these Writ Petitions are disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

24.10.2024
(3/5)

Index : Yes / No
NCC : Yes / No
Rmk



W.P.(MD)Nos.6611, 2369 and 16779 of 2023

To

1. The District Registrar,
Department of Registration,
Deputy Inspector General of Registration (Cadre),
Tirunelveli District, Tirunelveli.
2. The Deputy Inspector General of Registration,
Department of Registration,
Office of the Regional Deputy Inspector,
General of Registration,
Tirunelveli Region, Tirunelveli,
Tirunelveli District.
3. The Sub Registrar,
Office of the Sub Registrar,
North Valliyoor,
Tirunelveli District.
4. First Additional District Court,
Tirunelveli.



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W.P.(MD)Nos.6611, 2369 and 16779 of 2023

N.SATHISH KUMAR, J.

Rmk

W.P.(MD)Nos.6611 and
2369 of 2023

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(3/5)