



W.P(MD)No.8301 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.04.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.8301 of 2024

and

W.M.P.(MD)Nos.7511 & 7512 of 2024

R.Madasamy

... Petitioner

Vs.

1.The Deputy Inspector General of Registration,
Ramanathapuram Zone,
Ramanathapuram.

2.The District Registrar (Admin)
Ramanathapuram Registration District,
Ramanathapuram.

3.The Sub Registrar,
Mudhukulathur,
Ramanathapuram Registration District,
Ramanathapuram.

4.K.A.Mohamed Ikbali

... Respondents

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 appeal order of the file of 1st respondent vide Na.Ka.No. 897/Aa1/2023, dated 26.04.2023 and original order passed by the 2nd respondent vide Na.Ka.No. 3001 / Aa1/ 2021, dated 18.07.2022 and quash the same as illegal as devoid of merits and direct the 2nd respondent to conduct



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fresh enquiry by providing opportunities to all the interested parties connected to the property in question.

For Petitioner : Mr.Raja Karthikeyan

For Respondents : Mrs.D.Farjana Ghoushia
Special Government Pleader for R1 to R3

ORDER

Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the official respondents. Issuance of notice to the fourth respondent is dispensed with.

2. The petitioner and his brother Muthuramalingam entered into partition deed on 05.07.2017 (Document No.586 of 2017 on the file of the SRO, Mudhukulathur). The fourth respondent herein filed petition on 11.09.2021 impeaching the validity of the said document. On 18.07.2022, the District Registrar (Admin), Ramanathapuram characterized the said document as fraudulent. Necessary instructions were also issued to the jurisdictional SRO. Aggrieved by the same, the petitioner filed an appeal before the DIG of Registration, Ramanathapuram on 23.08.2022. The appeal was dismissed on 26.04.2023. Challenging the same, this writ petition came to be filed.



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3. Too many factual aspects are involved in this case. Admittedly, the petitioner has already moved the jurisdictional civil Court by filing O.S.No.73 of 2019 on the file of the Sub Court, Mudhukulathur against the complainant Thiru.Mohammed Iqbal. Muthuramalingam and Madasamy have already obtained an order of interim injunction in I.A.No.160 of 2019 on 23.03.2021. Therefore, the petitioner can very well amend the suit prayer and obtain relief before the jurisdictional civil Court. If the petitioner files any amendment petition within a period of four weeks from the date of receipt of a copy of this order, the same will be entertained by the jurisdictional Civil Court without reference to limitation or any other technical formalities. The petitioner shall implead the authorities under the Registration Act (Deputy Inspector General of Registration, Ramanathapuram and District Registrar (Admin), Registration Department, Ramanathapuram and SRO, Mudhukulathur) as defendants in the suit. IA to be filed by the petitioner to implead them shall also be allowed. The petitioner is at liberty to seek interim relief. If any such IA is filed, the same will be disposed of on merits and in accordance with law within a period of eight weeks from the date of filing. The orders impugned in the writ petition will be put on hold in the sense that the third respondent herein shall not entertain any document from the fourth respondent for a period of twelve weeks



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from today. The rights of the parties will be decided by the jurisdictional civil Court either in the IA or in the main suit as the case may be. I make it clear that this restraint order passed against the third respondent for a period of three weeks will not strengthen the case of the petitioner in the pending suit nor weaken the stand of the fourth respondent.

4. The Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

02.04.2024

Index : Yes / No
Internet : Yes/ No
rmi

To

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G.R.SWAMINATHAN, J.

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