



W.P(MD)No.10275 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.07.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.10275 of 2024

and

W.M.P(MD)Nos.9248, 9251, 9252 & 9254 of 2024

A.Mullar

... Petitioner

Vs.

1.The Inspector General of Registration,
Santhome High Road,
Chennai.

2.The Deputy Inspector General of Registration,
Collectorate,
Tirunelveli.

3.The District Registrar (Administration),
District Registrar Office,
Tenkasi District.

4.The Sub Registrar,
Sub Registrar Office,
Idaikal,
Tenkasi District.

5.K.Esakkimuthu

6.Suganthi

7.Shilaja

... Respondents



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Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the impugned records of the impugned order passed by the second respondent herein in his proceedings in Na.Ka.No.5207/Tha.Pi/2022 dated 04.12.2023 confirming the impugned order passed by the third respondent in his proceedings in Na.Ka.No.8601/AA2/2021 dated 13.06.2022 and quash the same as illegal and further directing the 1 to 4 respondents to remove the entry made in the encumbrance certificate with respect to S.No.79/5, Plot No.89 to an extent of 3 Cents in Aiykudi Village, Tenkasi Taluk and District within a time stipulated by this Court.

For Petitioner : Mr.D.Nallathambi

For Respondents : Mr.B.Saravanan
Additional Government Pleader
for R.1 to R.4

Mr.T.Indrachithu for R.5 to R.7

ORDER

Heard both sides.

2.One K.Esakkimuthu (fifth respondent herein) filed petition dated 21.12.2021 before the District Registrar (Administration), Tenkasi for declaring the petition mentioned document as fraudulent. The case of the fifth respondent was accepted by the District Registrar (Administration), Tenkasi and order dated 13.06.2022 was passed to that effect.



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Challenging the same, the petitioner moved the Deputy Inspector General of Registration, Tirunelveli. The appellate authority dismissed the appeal filed by the petitioner. Challenging the appellate authority's order dated 04.12.2023, the present writ petition came to be filed.

3.The fifth respondent has filed counter affidavit and also typed set of papers. The learned counsel appearing for the petitioner would impeach the *bona fides* of the fifth respondent. The learned counsel appearing for the petitioner would even go to the extent of asserting that the fifth respondent has filed a fraudulent document and come out with a bogus claim.

4.I do not want to go into the correctness of the said allegations. I posed only one question to the learned counsel appearing for the petitioner. I wanted to know whether the vendor of the petitioner had any registered document in his favour.

5.The learned counsel appearing for the petitioner stated that the petitioner's vendor is one Ramaiah and that he had taken the property by way of unregistered sale deed from the original land owner, namely, the fifth respondent herein. Admittedly, the petitioner's vendor did not have



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the registered sale deed in his favour. I am of the view that the petitioner has to establish his case only before the jurisdictional civil Court. It is for the jurisdictional civil Court to render any authoritative finding based on the evidence adduced before it. It is too well settled that the findings rendered by an administrative authority will not bind the civil Court.

6. Granting liberty to the petitioner to work out his rights in the manner known to law, this writ petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

04.07.2024

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

To

1. The Inspector General of Registration,
Santhome High Road,
Chennai.

2. The Deputy Inspector General of Registration,
Collectorate,
Tirunelveli.



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3.The District Registrar (Administration),
District Registrar Office,
Tenkasi District.

4.The Sub Registrar,
Sub Registrar Office,
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Tenkasi District.



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G.R.SWAMINATHAN,J.

MGA

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