



W.A.(MD) No.475 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.03.2024

CORAM:

THE HONOURABLE **MR.JUSTICE D.KRISHNAKUMAR**

AND

THE HONOURABLE **MR.JUSTICE R.VIJAYAKUMAR**

W.A.(MD)No.475 of 2024

and

C.M.P.(MD)No.3824 of 2024

Thiyagarajan

... Appellant/3rd party

-Vs-

1.C.Panchavarnam

... 1st Respondent/Petitioner

2.The Deputy Inspector General of Registrar,
O/o.Deputy Inspector General of Registrar,
Madurai.

3.The Assistant Inspector General of Registration,
District Registrar(Administration),
Madurai (South),
Madurai.

... Respondents 2 and 3/
Respondents 2 and 3

PRAYER: Appeal filed under Clause 15 of Letters Patent, to set aside the order dated 21.06.2023 made in W.P(MD)No.12777 of 2023.

For Appellant : Mr.M.Ponnaiah

For R-1 : Mr.C.Senthil Murugan

For R-2 & R-3 : Mr.T.Amjad Khan,
Government Advocate



JUDGMENT

[Judgment of the Court was delivered by D.KRISHNAKUMAR, J.]

This Writ Appeal is directed against the order, dated 21.06.2023 made in W.P(MD)No.12777 of 2023.

2. The brief facts of the case are as follows:

(i)The first respondent Panchavarnam is the daughter of one Kuppu Udaichi. She had a brother by name Kumaresan and they are the legal heirs of Kuppu Udaichi. The said Kumaresan died on 26.12.2005. According to the first respondent, she is also entitled for a share in the property sold by the legal heirs of Kumaresan. However, the legal heirs of Kumaresan, sold the property without giving reference to the writ petitioner or showing her as a legal heir. Therefore, the writ petitioner made a complaint before the third respondent herein to take necessary action. However, the third respondent rejected the said petition by holding that the document was registered on the basis of grant of pata and the patta was granted on the basis of legal heirship certificate, where the name of the first respondent was not included. Challenging the same, the first respondent has filed the writ petition.

(ii) The learned Single Judge set aside the order passed by the third respondent and remanded back the issue to the third respondent, to



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issue notice to the petitioner and the legal heirs of Kumaresan and thereafter, take a decision, since the legal heirs of Kumaresan had disposed of the property, in which, the first respondent/writ petitioner is also having an undivided $\frac{1}{2}$ share.

(iii) Aggrieved by the said order, the appellant/third party has filed this *intra* Court appeal.

3. The learned counsel appearing for the appellant would contend that the appellant is the subsequent purchaser from one of the legal heirs of Kumaresan and the order in the writ petition is passed without providing opportunity to the appellant and therefore, the same is liable to be set aside.

4. We have heard the learned counsel appearing on either side and perused the materials placed before us.

5. A perusal of the order passed by the learned Single Judge would go to show that the learned Single Judge set aside the order passed by the third respondent and remanded the matter to the authority for considering the matter afresh. Relevant portion of the order of the learned Single Judge reads as follows:

“5.In view of all these facts, the impugned order is set aside and the issue is remanded back to the second



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respondent, to issue notice to the petitioner and the legal heirs of Kumaresan and thereafter, take a decision, since the legal heirs of Kumaresan had disposed the property, in which, the petitioner is also having an undivided ½ share. The enquiry should be conducted in the manner known to law and should be completed within a period of six months, from the date of appearance of parties before the second respondent.”

6. In view of the above, we are of the view that the order of the learned Single Judge does not warrant interference and hence, the order of the learned Single Judge is confirmed and the writ appeal is dismissed. No Costs. Consequently, connected Miscellaneous Petition is closed.

7. It is needless to say that if the appellant is having any grievance, he can make appropriate application before the third respondent to participate in the enquiry proceedings and on receipt of such application, the same shall be considered by the third respondent on merits and in accordance with law.

[D.K.K., J.] & [R.V., J.]
22.03.2024

NCC : Yes / No
Index : Yes / No
PM



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To:

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- 2.The Assistant Inspector General of Registration,
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