



W.P.(MD)No.20603 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 20.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.20603 of 2022
and WMP(MD)No.14941 of 2022

T.Jayasingh

... Petitioner

Vs.

1. The Deputy Inspector General of Registration,
Tirunelveli Region, Tirunelveli.

2. The District Registrar (Administration),
Tenkasi District, Tenkasi.

3. The Sub Registrar,
Alangulam,
Tenkasi.

4.M.Subramanian

5.A.Ramasamy @ Chelladurai

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, to call for the records pertaining to the impugned order in Na.Ka.No.6719/௨/தபி/2019 dated 05.08.2022 on the file of the 1st respondent confirming the order No.4520/௨/2019 dated 22.10.2019



W.P.(MD)No.20603 of 2022

on the file of the 2nd respondent and quash the same.

WEB COPY

For Petitioner : Mr.K.Vinoharan
For R1 to R3 : Mr.P.Subbaraj
Special Government Pleader
For R4 & R5 : Mr.N.Dilip Kumar

ORDER

Challenge has been made to the impugned order in Na.Ka.No.6719/2/தபி/2019 dated 05.08.2022 on the file of the 1st respondent confirming the order No.4520/ஆ2/2019 dated 22.10.2019 on the file of the 2nd respondent.

2. Heard both sides and perused the materials placed before this Court.

3. The case of the petitioner is that the writ petitioner is not the appellant before the Inspector General of Registration. Originally a complaint has been given by the respondents 4 and 5 for cancellation of the settlement deed. The application has been made by the respondents 4 and 5 to take action against Section 83 of the Act against the 22 families residing in Kuruvakottai village. On their complaint, after conducting the enquiry the impugned order came to be passed. From the impugned order it appears that there are two groups operating



W.P.(MD)No.20603 of 2022

against each other. One group consisting of 22 families and the other group 6 families. However, the group of 22 families claiming to be financial contrary over the society based on the resolution said to have been passed on 16.09.2019, a settlement deed has been executed in favour of the other group of families. It has been objected by the respondents 4 and 5 on the ground that only on the basis of the false documents, settlement deed has been executed. Though the document has been registered at the time believing the representation of the petitioner's group that the originals have been destroyed in fire, on enquiry it is found out that all the originals is with the possession of the respondents. After finding the fact that the submission given by the person at the time of registration of the document is false based on which the documents have been registered, the impugned order came to be passed. Challenging the same, the writ petition has been filed.

4. Now it is stated that a suit in O.S.No.15 of 2022 also filed by the respondents 4 & 5 on the file of the learned Principal Sub Judge, Tenkasi to declare the concerned settlement deed is null and void. It is not disputed that settlement deed has been registered without production of original parent documents. It is stated before the authorities to the effect that the original parent documents have been destroyed. However, in the enquiry it is found that the



W.P.(MD)No.20603 of 2022

original documents were not produced by the respondents 4 & 5. This Court *prima facie* of the view that when false statements given before the authorities regarding such documents, though it is beyond the jurisdiction of the Sub Registrar or District Registrar, the fact remains that false statement has been given at the time of registering the documents cannot be disputed. At any event, as the suit is pending before the authorities, this Court is of the view that let the parties agitate their right in the pending suit. Hence, no further orders required in this writ petition.

5. Accordingly, this writ petition is dismissed. It is made clear that as a comprehensive suit is pending, till the suit is disposed finally on merits, both side shall not alienate the property in dispute. No Costs. Consequently, connected miscellaneous petition is closed.

20.08.2024

Index: Yes/No

Internet : Yes

NCC: Yes/No

PJL



W.P.(MD)No.20603 of 2022

To

1. The Deputy Inspector General of Registration,
Tirunelveli Region, Tirunelveli.

2. The District Registrar (Administration),
Tenkasi District, Tenkasi.

3. The Sub Registrar,
Alangulam,
Tenkasi.



WEB COPY



W.P.(MD)No.20603 of 2022

N.SATHISH KUMAR, J.

PJL

W.P.(MD)No.20603 of 2022

20.08.2024