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W.P.(MD)No.22556 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.09.2024

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THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.22556 of 2024

and

W.M.P.(MD)No.19123 and 19124 of 2024

Parvathi

... Petitioner

Vs.

1.The Inspector General of Registration,
O/o.Inspector General Office,
No.100, Santhome High Road,
Raja Annamalaipuram,
Chennai – 28.

2.The Deputy Inspector General of Registration,
District Registrar Office,
Ramanathapuram Town,
Ramanathapuram District.

3.The District Registrar,
O/o.The District Registrar Office,
Karaikudi, Sivagangai District.

4.The Sub Registrar,
Sub Registrar Office,
Ponnamaravathi & Taluk,
Pudukkottai District.

5.A.Solaiyappan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records relating to the impugned order in Na.Ka.No.2072/Aa1/2021 dated 10.12.2021 passed by the 3rd respondent and quash the same as illegal.



W.P.(MD)No.22556 of 2020

For Petitioner : Mr.R.Jegadeeswaran
For R1 to R4 : Mr.P.Subbaraj
Special Government Pleader

ORDER

Challenging the order passed by the third respondent, the District Registrar, holding the subsequent document bearing No.1194 of 2020 as not valid, since there is an earlier document already registered in document No. 1921 of 2020 and thereafter relegating the parties to go to the civil Court to work out their remedy in the pending suit in O.S.No.322 of 2018, this writ petition is filed.

2.Mr.P.Subbaraj, learned Special Government Pleader takes notice for the respondents 1 to 4. Considering the nature of order proposed to be passed in this writ petition, notice to the fifth respondent is dispensed with.

3.By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

4.This Court would have normally straight away allowed the present writ petition, since the very Section 77(A) inserted under the Registration Act to cancel the registered document, is struck down by the Division Bench of this



W.P.(MD)No.22556 of 2024

Court in W.P.No.10291 of 2022 batch. However, it is brought to the notice of this Court that in an earlier occasion, the same order was put to challenge before this Court by the petitioner in W.P.(MD)No.8452 of 2024, wherein this Court by an order dated 13.06.2024, directed the parties to canvass their case in the suit in O.S.No.15 of 2022 filed by the petitioner and her son.

5.Once again, the same order is challenged in this writ petition by the petitioner. Therefore, the second writ petition for the very same issue cannot be entertained. However, this Court holds that the orders of the third respondent will not be binding on the parties and the civil suit shall be decided on its own merits.

6.With the above observation, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

24.09.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
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W.P.(MD)No.22556 of 2021

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N.SATHISH KUMAR, J.

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