



W.P(MD)No.15609 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.11.2024

CORAM :

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P(MD)No.15609 of 2017

and

W.M.P.(MD)No.12343 of 2017

Abdul Kamal Nazar

... Petitioner

Vs.

1.The District Registrar,
Office of the District Registrar,
Palani, Dindigul District.

2.The No.II Joint Sub-Registrar,
Palani, Dindigul District.

3.Akilandeswari

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records of the impugned order of the 1st respondent in his proceedings in Na.Ka.No. 3543/Aa1/2016, dated 07.07.2017 and quash the same.

For Petitioner : Mr.P.Arjun Jayatram

For R1 & R2 : Mr.M.Sarangan,

Additional Government Pleader



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ORDER

This Writ Petition had been filed challenging the order of the 1st respondent, holding that the document No.1142/2016 registered on the file of the 2nd respondent is not a valid document.

2.The said order had been passed by the 1st respondent, in view of the Circular No.67 issued by the Inspector General of Registration, Chennai, dated 03.11.2011, which had already been held to be invalid. Further, the Hon'ble Supreme Court in the case of ***Satya Pal Anand v. State of M.P. [2016 10 SCC 767]*** had held that the registering authorities have no power to conclude so and let it open to the parties to ventilate their rights in an appropriate civil Court.

3.In view of the aforesaid categorical order, the impugned order of the 1st respondent is liable to be set aside, accordingly, it is set aside. Liberty is granted to the 3rd respondent to approach the appropriate civil Court in the manner known to law. If the 3rd respondent approaches the civil Court, seeking appropriate remedy, the period of pendency of the proceedings before the 1st respondent as well as the pendency of the proceedings before this Court shall stand excluded, while calculating the period of limitation.



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4.With the above observation, this Writ Petition is allowed. No costs.

Consequently, connected miscellaneous petition is closed.

19.11.2024

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

Yuva

To

1.The District Registrar,
Office of the District Registrar,
Palani, Dindigul District.

2.The No.II Joint Sub-Registrar,
Palani, Dindigul District.



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