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W.P.(MD) No.27982 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.(MD) No.27982 of 2024

and

W.M.P.(MD) No.23740 of 2024

Kalamuthu

... Petitioner

-vs-

1.The Inspector General of Registration
Office of the Inspector General of Registration
No.100, Santhome High Road
Chennai-600 028

2.The District Registrar
Office of the District Registrar
Tirunelveli
Tirunelveli District

3.The Sub Registrar
Melapalayam Sub Registrar Office
Tirunelveli, Tirunelveli District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records relating to impugned order passed by the third respondent in P/Melapalayam/79/2024 dated



W.P.(MD) No.27982 of 2024

WEB COPY

06.11.2024 and quash the same as illegal and consequently direct the third respondent herein to register and release the documents by giving regular document number pertaining to the deed and to direct the respondents 1 and 2 to confirm and supervise.

For Petitioner : Mr.M.Siva Sankar

For Respondents : Mr.S.P.Maharajan
Special Government Pleader

ORDER

Mr.S.P.Maharajan, learned Special Government Pleader, takes notice for the respondents.

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

3. This writ petition has been filed challenging the order, dated 06.11.2024, thereby refused to register the document, which was presented by the petitioner for registration and kept pending on the ground that there is an objection and an enquiry, in this regard, is pending.



W.P.(MD) No.27982 of 2024

WEB COPY

4. The property comprised in Survey Nos.59/1, 59/3 and 60/1 in Melapalayam Village, Tirunelveli District, was originally belonged to one Meenakshiammal. Subsequently, the property was partially released in his favour, to an extent of 60 cents under a release deed dated 12.03.2021 and registered as document No.2290 of 2021. Subsequently, one Syed Ahamed and two others created a forgery document and were issued with Patta. It was challenged by the petitioner by filing a writ petition in W.P.(MD) No.10098 of 2021 before this Court, wherein this Court directed the District Revenue Officer to dispose of the appeal said to have been preferred by the counter part aggrieved by the order passed by the Revenue Divisional Officer. Thereafter, by order dated 30.08.2024, patta was directed to be issued in favour of the petitioner. Thereafter, the petitioner presented a settlement deed in respect of the property before the third respondent for registration. However, by the impugned order, it was kept pending on the ground that there is an objection for registration and an enquiry is pending in this regard. Challenging the same, this writ petition.



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W.P.(MD) No.27982 of 2024

5. Learned Special Government Pleader appearing for the respondents, on instructions, would submit that the counter part, namely, Syed Ahamed and two others have filed a writ petition before this Court in W.P.(MD) No.26583 of 2024, challenging the order passed by the District Revenue Officer, Tirunelveli and obtained an interim order not to register any document in respect of the subject property. Therefore, the settlement deed presented by the petitioner has been kept pending and the said interim order is still in force.

6. Learned counsel for the petitioner would submit that the petitioner herein is not a party to the said writ petition and as such, the petitioner has no knowledge about the interim order passed in the said writ petition.

7. Since the counter part has filed a writ petition before this Court challenging the order passed by the District Revenue Officer, wherein an interim order has been passed by this Court not to register any document in respect of the subject property and the same is still in force, this Court finds no infirmity or illegality in the impugned order passed by the third respondent.



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W.P.(MD) No.27982 of 2024

8. Accordingly, this writ petition is dismissed. However, it is made clear that subject to the outcome of W.P.(MD) No.26583 of 2024, the petitioner shall represent the settlement before the third respondent for registration. No costs. Consequently, connected miscellaneous petition is closed.

25.11.2024

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

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To:

- 1.The Inspector General of Registration,
Office of the Inspector General of Registration,
No.100, Santhome High Road,
Chennai-600 028.
- 2.The District Registrar,
Office of the District Registrar,
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G.K.ILANTHIRAIYAN, J.

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