



W.P(MD)No.31222 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 02.01.2024

CORAM

**THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN**

W.P(MD)No.31222 of 2023  
and  
W.M.P(MD)No.26749 of 2023

N.Ramadoss

... Petitioner

-Vs-

- 1.The Deputy Inspector General of Registration,  
Office of the Deputy Inspector General of Registration,  
Madurai.
- 2.The Deputy Inspector General of Registration,  
Office of the Deputy Inspector General of Registration,  
Ramanathapuram.
- 3.The District Registrar,  
Office of the District Registrar,  
Madurai (North),  
Madurai.

4.Navaneethal

... 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 passed by the third respondent vide proceedings in Na.Ka.No.1501/AA2/2022 dated 04.11.2022 and quash the same.



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W.P(MD)No.31222 of 2023

For Petitioner : Mr.M.Shakulhameed  
For Respondents : Mr.S.Shanmugavel  
Addl. Govt. Pleader (for R1 to R3)

### **ORDER**

The writ petition is filed seeking for issuance of a Writ of Certiorari to call for the records pertaining to the impugned order passed by the third respondent vide proceedings in Na.Ka.No.1501/AA2/2022 dated 04.11.2022 and quash the same.

2. Mr.S.Shanmugavel, learned Additional Government Pleader takes notice for the respondents 1 to 3. Considering the nature of the order proposed to be passed, protecting the interest of the fourth respondent, notice to her is dispensed with. By consent, this writ petition is taken up for final disposal at the admission stage itself.

3. The learned counsel appearing for the petitioner would submit that on 25.08.2020, the petitioner has purchased the land to an extent of 51 cents comprised in S.No.7/11 situated at Ramankulam, Kusavankundu Village, Madurai South Taluk, vide Doc.No.2098/2020 on the file of the District



W.P(MD)No.31222 of 2023

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Registrar, Madurai North Registration Office. Initially, the said property belonged to five persons. On 22.10.2010, the said five persons have executed a family gift settlement deed in respect of 1 Acre 51 Cents in favour of one K.R.Janarthanan, who is the brother of the said five persons. Thereafter, the said K.R.Janarthanan has executed a Power of Attorney in respect of the said property to one Mayalagan. The said Mayalagan has sold the entire properties in favour of one Sekar vide Doc.No.2667/2019. Thereafter, the petitioner has purchased the said property from the said Sekar after verifying encumbrance. He has also shifted his company in the above said land and running the same peacefully. While so, he approached the Equitas Finance for financial assistance. At the time of executing mortgage deed, the bank officials noticed that the District Registrar has objected for registration of mortgage deed alleging that a petition is pending as against the said property. It seems that the fourth respondent has given a complaint before the District Registrar, Madurai. At the time of registering the document, there were no objections from any one before the District Registrar. The learned counsel would further submit that the fourth respondent got property comprised in S.No.7/1, however, the petitioner's property is in respect of S.No.7/11. The District Registrar, Madurai North



W.P(MD)No.31222 of 2023

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has falsely come to an erroneous conclusion, as if, the property comprised in S.No.7/1 has been converted as S.No.7/11 and passed the impugned order dated 04.11.2022 cancelling the registration of the Doc.No.2098/2020 dated 25.08.2020. The learned counsel further contended that taking advantage of the impugned order, the fourth respondent and her henchmen tried to grab the petitioner's property. Hence, the petitioner has filed the present writ petition to quash the impugned order.

4. It is seen that against the impugned order, the petitioner has already filed appeal in Appeal No.13080/2023 before the first respondent and the said appeal is transferred to the second respondent. Further, the petitioner has filed a suit in O.S.No.444 of 2023 on the file of IV Additional District and Sessions Judge, Madurai, seeking declaration and injunction and the same is pending. Whether the fourth respondent has got any right to file a petition to cancel the document, has to be decided in the appeal filed by the petitioner. Hence, this Court is not inclined to entertain this writ petition.

5. At this juncture, the learned counsel appearing for the petitioner would submit that it would suffice if the appeal of the petitioner is disposed



W.P(MD)No.31222 of 2023

of, by the first respondent, on merits and in accordance with law, within the time stipulated by this Court.

6. The learned Additional Government Pleader appearing for the respondents 1 to 3 would submit that the appeal will be considered in accordance with law.

7. In view of the above, without going into the merits of the claim made by the petitioner, the first respondent is directed to pass appropriate orders on the appeal of the petitioner in Appeal No.13080/2020, on merits and in accordance with law, after giving notice to the interested parties, within a period of twelve weeks from the date of receipt of a copy of this order.

8. With the above directions, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

**02.01.2024**

Index : Yes/No  
Internet : Yes/No  
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W.P(MD)No.31222 of 2023

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4. The Additional Public Prosecutor  
Madurai Bench of Madras High Court  
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W.P(MD)No.31222 of 2023

**V.BHAVANI SUBBAROYAN, J.**

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