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W.M.P. No. 29108 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2025

CORAM

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

W.M.P. No. 29108 of 2025

in

W.P. No. 16411 of 2025

R. Selvaraj

... Petitioner

Vs.

1.R. Maheshwari

2.The District Registrar Officer,
Ponneri Bypass Main Road,
Virudhachalam – 606 001.

3.The Joint Registrar – I,
Ponneri Bypass Main Road,
Virudhachalam – 606 001.

... Respondents

Writ Miscellaneous Petition is filed to grant leave to the petitioner herein to file a W.M.P., in the above writ petition to seek recall of the order dated 30.04.2025 in W.P. No.16411 of 2025 passed by this Court.

For Petitioner : Mr. S. Sathia Chandran

For Respondents : Mr. M. Elumalai, for R1

Mr. E. Vijay Anand,

Additional Government Pleader for R2 & R3



W.M.P. No. 29108 of 2025

ORDER

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This petition has been filed to recall the order passed in W.P. No.16411 of 2025 dated 30.04.2025 mainly on the ground that the writ petitioner has obtained an order before this Court without revealing / disclosing the entire material facts.

2. Heard Mr.S.Sathia Chandran, the learned counsel for the petitioner, Mr.M.Elumalai, the learned counsel for the first respondent and Mr.E.Vijay Anand, the learned Additional Government Pleader for the respondents 2 and 3.

3. The first respondent / writ petitioner filed a writ petition for a direction to the second respondent in the writ petition to register the judgment and decree dated 10.08.2007 passed in O.S.No.37 of 2006 by the Principal District Munsif Court, Virudhachalam. The writ petitioner claimed herself to be the daughter of one Rajakumari who had obtained the decree earlier. Considering the same, this Court directed the Sub Registration Office to ascertain / satisfy themselves regarding the relationship between the writ petitioner and Rajakumari and to register the decree.

4. It is brought to the notice of this Court that pursuant to the order passed by this Court, the decree has also been registered and it is now reflected in the Encumbrance Certificate.

5. This petition seeking for leave and to recall the order passed in the writ



W.M.P. No. 29108 of 2023

petition has been filed mainly on the ground that the writ petitioner did not disclose the material facts.

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6. On carefully going through the affidavit filed in support of this petition, it is seen that after the decree was passed, the decree holder namely Rajakumari executed a Power of Attorney dated 31.08.2012 in favour of one Chakkarapani which was registered as Document No.179 of 2012. Pursuant to the same, the petitioner in this recall petition, purchased 22 cents from the said Chakkarapani through a registered Sale Deed dated 05.05.2014 which was registered as Document No.1494 of 2014. Thereafter, the revenue records were muted in the name of the recall petitioner.

7. None of the above facts were mentioned in the affidavit filed in support of the writ petition and an innocuous prayer was sought for to register the decree that was passed in the year 2007. If the writ petitioner had brought to the notice of this Court the above subsequent developments, this Court would have certainly issued notice to the petitioner who has filed the recall petition and heard him and thereafter passed final orders.

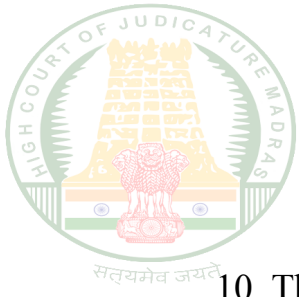


W.M.P. No. 29108 of 2025

WEB COPY

8. On carefully considering the submissions made on either side and the materials available on record, this Court is satisfied that the writ petitioner has plucked an order from this Court without revealing the material facts and that by itself is a ground to recall the order passed by this Court on 30.04.2025. Even though, the decree passed in O.S.No.37 of 2006 dated 10.08.2007 has been registered, since the order passed in the writ petition on 30.04.2025 is recalled, the said entry shall be reversed by the second respondent in the encumbrance register by making an appropriate entry referring to the order passed in this recall petition. This process shall be completed within a period of two weeks from the date of receipt of copy of this order.

9. In the result, the order passed in W.P. No. 16411 of 2025 dated 30.04.2025 is hereby recalled after granting leave to the petitioner. It is brought to the notice of this Court that a substantive suit is now pending in O.S. No. 219 of 2025 on the file of Principal District Judge, Cuddalore. Hence, it is left open to the parties to agitate the rights in the pending suit. The order passed in this petition will not have any bearing and the civil Court shall decide the rights of the respective parties, on its own merits and in accordance with law.



W.M.P. No. 29108 of 2025

10. This Writ Miscellaneous Petition is allowed in the above terms.

WEB COPY

29.07.2025

Index :Yes/No

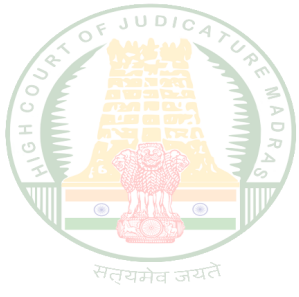
Neutral Citation :Yes/No

AT

To

1.The District Registrar Officer,
Ponneri Bypass Main Road,
Virudhachalam – 606 001.

2.The Joint Registrar – I,
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Virudhachalam – 606 001.



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W.M.P. No. 29108 of 2025

N. ANAND VENKATESH, J.

AT

W.M.P. No. 29108 of 2025 in
W.P. No. 16411 of 2025

29.07.2025