



WEB COPY **BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 03.02.2025

CORAM:

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
AND
THE HON'BLE MS JUSTICE R.POORNIMA**

**W.A(MD)No.214 of 2025
and
CM.P(MD)No.1420 of 2025**

Madhavan

... Appellant/Writ Petitioner

.Vs.

**1.The District Registrar(Admn.,)
Tenkasi District,
Tenkasi.**

2.T.Govindasamy

... Respondents/Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent Act praying this Court to set aside the order of this Court made in W.P(MD)No.27447 of 2024, dated 18.11.2024.

For Appellant : Mr.M.Jerin Mathew

**For Respondent-1 : Mr.R.Suresh Kumar
Addl.Govt.Pleader**



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JUDGMENT

(Judgment of the Court was made by **Dr.G.JAYACHANDRAN.,J**)

This Writ Appeal is filed against the order passed by the learned Single Judge of this Court made in W.P(MD)No.27447 of 2024, dated 18.11.2024.

2Mr.R.Suresh Kumar, learned Additional Government Pleader takes notice for the first respondent. By consent of both parties, the Writ Appeal is taken up for final disposal at the admission stage itself.

3.The appellant herein claimed title over the property based on inheritance from his ancestors. However, the District Registrar, Tenkasi, on a complaint declared the document in question as a fraudulent document and recommended for criminal prosecution vide order, dated 30.5.2022 depriving the title of the appellant in respect of a portion of the property situated in S.Nos.265/2 and 6. Being aggrieved, the appellant has chosen to prefer an appeal before the Deputy Inspector General of Registration and the appeal is pending. However, relying upon the judgment of the learned Single Judge in another case, the appellant had



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preconcluded that the Deputy Inspector General of Registration has no power to entertain the appeal and therefore, had approached the High Court by preferring a Writ Petition in W.P(MD)No.27447 of 2024 challenging the order declaring the document as fraudulent and recommending for Criminal prosecution passed by the District Registrar, Tenkasi vide order, dated 30.01.2022. The learned Single Judge of this Court having found that there cannot be a parallel proceedings one before the appellate authority and another under Article 226 of the Constitution of India, had disposed of the Writ Petition with the following observation:

“6.In view of the above, the appeal is pending before the appellate authority. When the appeal is pending as against the order passed by the first respondent, once again the Petitioner cannot challenge the same order. Therefore, the Writ Petition cannot be entertained when the appeal is pending before the appellate authority..

7.In view of the above, the Deputy Inspector General of Registration, Palayamkottai is directed to dispose of the appeal filed by the Petitioner and pass orders on merits and in accordance with law, after giving an opportunity of hearing to the Petitioner, within a period of twelve weeks from the date of



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receipt of a copy of this order, if not already disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.”

The said order is challenged by way of this Writ Appeal.

4.This Court, after hearing the counsel and perusing the records found that the said observation of the learned Single Judge in W.P(MD)No.18691 of 2022, dated 24.01.2023 will not provide any right to the appellant to approach two different forums simultaneously on presumptions. This amounts to forum shopping.

5.Hence, the Writ Appeal is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed. The order passed by the learned Single Judge in W.P(MD)No.27447 of 2024, dated 18.11.2024 is confirmed. It is open to the appellant to challenge the order to be passed by the Deputy Inspector General of Registration, if so aggrieved, in the manner known to law.

[G.J.,J.] [R.P.,J.]
03.02.2025



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NCS : Yes/No
Index : Yes / No
Internet : Yes / No
vsn

To

The District Registrar(Admn.,)
Tenkasi District,
Tenkasi.



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DR.G.JAYACHANDRAN, J.
and
R.POORNIMA, J.

vsn

JUDGMENT MADE IN

W.A(MD)No.214 of 2025
and
CM.P(MD)No.1420 of 2025

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