



W.A(MD)No.784 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.03.2025

CORAM:

**THE HONOURABLE MRS.JUSTICE J.NISHA BANU
and
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

**W.A(MD)No.784 of 2025
and
C.M.P(MD)No.5298 of 2025**

Gnanasekaran

... Appellant/3rd Respondent

vs.

1.Srinivasan

... 1st Respondent/Writ Petitioner

2.The District Registrar,
O/o.The District Registrar,
Virudhunagar.

3.The Sub-Registrar,
Sivakasi Sub Registrar Office,
Sivakasi,
Virudhunagar District.

... Respondents 2 & 3/
Respondents 1 & 2

PRAYER : Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 27.01.2023 made in W.P(MD)No.28255 of 2022.



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For Appellant : Mr.K.Sudalaiyandi
For R – 1 : Mr.P.Saravana Kumar
For RR 2 & 3 : Mr.N.Ramesh Arumugam
Government Advocate

JUDGMENT

(Judgment of the Court was delivered by S.SRIMATHY, J.)

Challenging the order passed by the writ Court, dated 27.01.2023 made in W.P(MD)No.28255 of 2022, the third respondent as appellant has preferred the present Writ Appeal.

2. We have heard Mr.K.Sudalaiyandi, learned counsel appearing for the appellant, Mr.P.Saravana Kumar, learned counsel appearing for the first respondent and Mr.N.Ramesh Arumugam, learned Government Advocate appearing for the respondents 2 and 3.

3. The appellant had given a petition before the official respondents to declare the registered document as fraudulent. When the notice was received by the writ petitioner, aggrieved over the same the writ petition was filed. The



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contention of the writ petitioner is that petitioner's vendor had filed O.S.No.69 of 2018 including the appellant as one of the defendants. Hence the registration department has no jurisdiction to conduct any enquiry under Section 22A. After hearing the rival contentions, the Writ Court had held that the appropriate remedy is only suit and disposed the writ petition directing the writ petitioner to implead himself in the pending suit. Aggrieved over the same, the 3rd respondent in the writ petition had filed the present writ appeal.

4. The contention of the appellant is that the Writ Court had passed the order without notice to the appellant. The said ground is not available to the appellant, since in appeal the appellant is heard.

5. The next contention of the appellant is that pending civil suit is not bar to entertain the complaint under section 22A. The contention cannot be accepted, since the said section is struck down by the Courts. Therefore, the appropriate remedy is only suit and the Writ Court had rightly held the so.



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6. Both the appellant and the first respondent are directed to seek remedy in the pending suit in O.S.No.69 of 2018 on the file of Principal District Court, Virudhunagar.

7. At this juncture, the learned counsel appearing for the appellant would submit that there may a direction to the Trial Court to dispose of the suit within a time stipulated by this Court.

8. Considering the fact that the suit is of the year 2018, the Principal District Judge, Virudhunagar District at Srivilliputhur is directed to dispose of the suit in O.S.No.69 of 2018 on merits and in accordance with law, within a period of six months from the date of receipt of a copy of this order.

9. With the above observation, this Writ Appeal is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

[J.N.B.,J.] & [S.S.Y.,J.]

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NCC : Yes / No

Index : Yes / No

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To

2.The District Registrar,
O/o.The District Registrar,
Virudhunagar.

3.The Sub-Registrar,
Sivakasi Sub Registrar Office,
Sivakasi,
Virudhunagar District.



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J.NISHA BANU, J.
and
S.SRIMATHY, J.

ps

ORDER MADE IN
W.A(MD)No.784 of 2025

DATED : 28.03.2025