



W.P(MD)No.25126 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.07.2025

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.25126 of 2023

and

W.M.P(MD)No.21306 of 2023

S.Noor Mohammed Arif

... Petitioner

Vs

1. The Inspector General of Registration,
Office of the Inspector General of Registration,
Nungampakam,
Chennai.
2. The District Registrar,
Office of the District Registrar,
DR Office, Court Compound, Cantonment,
Trichy.
3. The Secretary and Correspondent,
Jamal Mohmed College,
Society of Jamal Mohamed College,
Trichy-20.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, to call for the records connected with the impugned order in Na.Ka.No.4302/A4/2022 and 4298/A4/2023 dated 05.10.2023 on the file of the respondent No.2 and quash the same as illegal.



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WEB COPY

For Petitioner : Mr.R.Alagumani
For R-1 & R-2 : Mr.S.Kameshwaran
Government Advocate
For R-3 : Mr.J.Barathan
for Mr.P.Arunjayatram

ORDER

The present Writ Petition has been filed for the issuance of a Writ of Certiorari, to call for the records connected with the impugned order in Na.Ka.No. 4302/A4/2022 and 4298/A4/2023 dated 05.10.2023 on the file of the respondent No.2 and quash the same as illegal.

2. The contention of the petitioner is that the land in dispute belongs to the petitioner. The petitioner has inherited after his father's demise and his father has inherited through an unregistered settlement deed. The petitioner's grandfather has settled the property through an oral hibba. Further, it is seen that the third respondent is a College and the Government has assigned the land to the College. Therefore, admittedly, there is a title dispute between the petitioner and the third respondent.

3. Based on the complaint of the third respondent, the second respondent



passed the impugned order declaring the petitioner's title and other documents as fraudulent and the same is under challenge.

4. The learned Counsel appearing for the petitioner submitted that a suit for injunction has already been filed since the petitioner is in possession of the property

5. The learned counsel appearing for the third respondent submitted that the said suit was dismissed for default and as on date, there is no pending suit.

6. However, the learned Counsel appearing for the petitioner submitted that he would take steps to restore the suit.

7. Even if the suit is restored, it would not be sufficient since the third respondent is creating a cloud over the title of the petitioner. In such circumstances, the petitioner ought to file a suit for declaration and injunction. Based on the above facts, it can be stated that the petitioner ought to prove his title independently before the competent Civil Court. Therefore, this Court is not inclined to quash the impugned order. However, if any suit is filed for declaration and injunction, the Trial Court shall consider the petitioner's claim uninfluenced by the observations and the finding rendered in the impugned order.



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8. With the above observations, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

28.07.2025

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

jbr

To:

1. The Inspector General of Registration,
Office of the Inspector General of Registration,
Nungampakam,
Chennai.
2. The District Registrar,
Office of the District Registrar,
DR Office, Court Compound, Cantonment,
Trichy.



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S.SRIMATHY, J.

jbr

ORDER MADE IN
W.P(MD)No.25126 of 2023

DATED : 28.07.2025