



W.P.(MD)No.29555 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.01.2025

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.(MD)No.29555 of 2024 &
W.M.P.(MD)No.24929 of 2024

R.Muppidathi

...Petitioner

vs.

1.The District Registrar,
Tirunelveli Registration District,
Tirunelveli.

2.The Sub Registrar,
Radhapuram,
Tirunelveli District.

3.L.Jeldon Wilfrut Vayola,
No.13/208, Madha Street,
Idindakarai,
Radhapuram,
Tirunelveli District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorari calling for the records pertaining to the impugned order of the first respondent in Na.Ka.No.5472/E2/2021 dated 14.02.2022 and to quash the same as illegal and other reliefs.



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For Petitioner : Mr.K.Sudalaiyandi
For Respondents : Mr.S.P.Maharajan
Special Government Pleader for R1 & R2
Mrs.R.Divya Priya for R3

ORDER

This writ petition has been filed challenging the order passed by the first respondent dated 14.02.2022 thereby directing the second respondent to record that the Document Nos.2215/2018, 360/2021 and 4595/2021 are fraudulently executed and registered and also directing the second respondent to lodge a complaint as against the person who committed fraud before the concerned jurisdictional Police Station.

2. The property comprised in S.No.508/1A1 to an extent of 328 sq. meters situated at Idindakarai, Vijayapathi Village, Radhapuram Taluk, Tirunelveli District originally belonged to one Michael Dhasan Fernanth. He purchased the property by registered sale deed in Document No. 386/1936. In turn, he sold 4 cents of the said property in favour of his brother Navros Fernanth by registered sale deed dated 07.04.1986 vide Document No.404/1986. Navros Fernanth died leaving behind his wife,



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two sons and two sisters. While being so, the second respondent has issued Natham Patta for the said property in favour of Navros Fernanth and one L.Pelsis. Thereafter, the legal heirs of Navros Fernanth had executed settlement deed dated 28.06.2018 registered vide Document No.2215/2018 in favour of their mother. In turn, their mother had executed settlement deed dated 22.01.2021 registered vide Docuemnt No.360/2021 in favour of her daughter. In turn, she had executed a sale deed on 21.10.2021 registered vide Document No.4595 in favour of the petitioner.

3. While being so, on the complaint lodged by the third respondent, the first respondent conducted enquiry and found that those documents which are registered by the legal heirs of the deceased Navros Fernanth and the subsequent documents were fraudulent and directed the second respondent to record the same since the legal heirs of the deceased Navros Fernanth had no title over the property. Now, the petitioner has also filed a suit in O.S.No.94 of 2024 on the file of the Sub Court, Valliyoor as against the third respondent herein for declaration



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and injunction in respect of the subject property and it is pending for adjudication. Therefore, the first respondent rightly passed the impugned order and this Court finds no infirmity or illegality in the same. It is made clear that if the petitioner succeeds in the suit, he can very much approach the first respondent for appropriate relief.

4. Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

06.01.2025
(2/2)

NCC:Yes/No
Index:Yes/No
Speaking/Non-speaking order

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To

1.The District Registrar,
Tirunelveli Registration District,
Tirunelveli.

2.The Sub Registrar,
Radhapuram,
Tirunelveli District.



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G.K.ILANTHIRAIYAN, J.

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