

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2017

CORAM

THE HON'BLE Mr. JUSTICE M.DURAISWAMY

W.P.No.10553 of 2017

K.Panneerselvam

... Petitioner

Vs.

1. The Inspector General of Registration,  
100, Santhome High Road,  
Chennai - 600 028.

2. The District Registrar,  
Behind the Collectorate,  
Namakkal, Namakkal District.

3.Vijayanand Nataraj

4.Manivannaraj

5.Rajarajan

... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus to direct the 2<sup>nd</sup> respondent to conduct an enquiry on the petitioner's petition dated 23.08.2016 as per the Circular No.67, dated 03.11.2011 issued by the 1<sup>st</sup> respondent.

For Petitioner : Mr.N.Manokaran

For Respondents : Mr.A.N.Thambidurai,  
Special Government Pleader (R1 and R2)

O R D E R

The petitioner has filed the above Writ Petition to issue a writ of mandamus directing the 2<sup>nd</sup> respondent to conduct an enquiry on the petition dated 23.08.2016 as per the Circular No.67, dated 03.11.2011 issued by the 1<sup>st</sup> respondent.

2. It is the case of the petitioner that the respondents 3 to 5, who are his sons, have fraudulently obtained a Settlement Deed executed in their favour and also got it registered. According to the petitioner the respondents 3 to 5 misrepresented to him and got the Settlement Deed executed in respect of his properties. Thereafter, coming to know about the

fraud committed by the respondents 3 to 5, the petitioner gave a representation before the 2<sup>nd</sup> respondent to conduct an enquiry as per the Circular No.67, dated 03.11.2011 issued by the 1<sup>st</sup> respondent for canceling the Settlement Deed dated 03.07.2014.

3. It is not in dispute that the petitioner had signed the document and also got the Settlement Deed registered in favour of the respondents 3 to 5. According to the petitioner, the respondents 3 to 5 had mis-represented to him stating that the document is a Power of Attorney Deed. When the petitioner is not disputing his signature in the Settlement Deed and also not disputing that he went to the Sub Registrar Office for registering document, the issue with regard to mis-representation, fraud, coercion, undue influence can be decided only by a Competent Court.

4.Mr.A.N.Thambidurai, learned Special Government Pleader taking notice for the respondents 1 & 2 submitted that the dispute between the parties is civil in nature and therefore, the 2<sup>nd</sup> respondent cannot cancel the Settlement Deed and only a Civil Court can set aside the said document.

5. The issue involved in the present matter is a matter for evidence and therefore, the 2<sup>nd</sup> respondent cannot set aside the document based on the representation given by the petitioner.

6. The ratio laid down by the Hon'ble Supreme Court in the judgment reported in (2016) 10 SCC 767 [Satya Pal Anand Vs. State of Madhya Pradesh and others] applies to the facts and circumstances of the present case.

7. It is always open to the petitioner to challenge the correctness of the Settlement Deed before the competent Civil Court, after the outcome of the representation given by the petitioner to the 2<sup>nd</sup> respondent.

8. For the reasons stated above, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

va/dsa

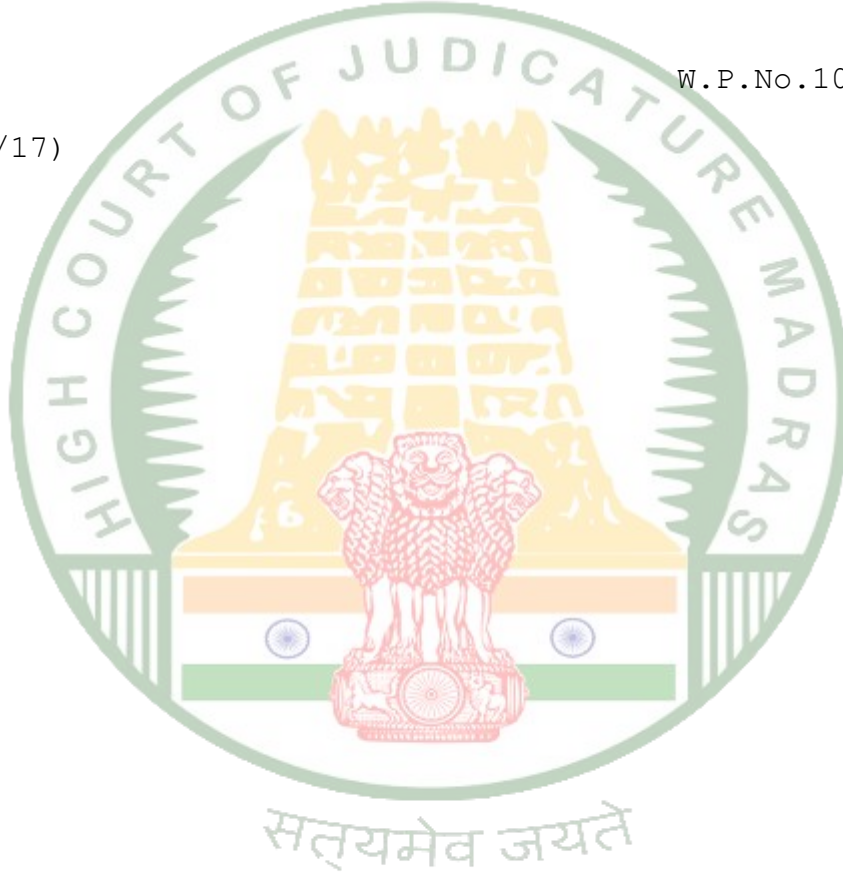
To

1. The Inspector General of Registration,  
100, Santhome High Road, Chennai - 600 028.
2. The District Registrar,  
Behind the Collectorate, Namakkal District.

+lcc to Mr.N.Manokaran, Advocate, S.R.No.25714  
+lcc to the Government Pleader, S.R.No.25906

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nr(co)  
rmp(08/05/17)



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