

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :05.11.2020

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.15638 of 2020

&

W.M.P.No.19489 of 2020

B.Ramesh

..Petitioner

Vs.

1.The District Registrar of Assurances,
Cheyyar
Thiruvannamalai District

2.The Sub-Registrar of Assurance
Vandavasi
Thiruvannamalai District

3.B.Manikandan

4.Dhanyalakshmi

..Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 and 2 to pass appropriate orders on the petitioner's representation dated 08.06.2020 and 01.09.2020 pertaining to settlement deed executed by the 3rd respondent in favour of the 4th respondent dated 09.06.2020/26.06.2020 registered as Document No.646 of 2020 before the S.R.O, Thellar within the time frame to be stipulated by the Court.

For Petitioners : Mr.T.S.Rajamohan

For Respondents : Mr.T.Pappiah, Spl.Govt.Pleader
for R1 and 2

ORDER

This writ petition has been filed for the issue of a writ of mandamus directing the 1st and 2nd respondents to act upon the representation made by the petitioner on 08.06.2020 and 01.09.2020 which pertains to registration of a settlement deed executed by the 3rd respondent in favour of the 4th respondent.

2. Heard Mr.T.S.Rajamohan, learned counsel appearing for the petitioner and Mr.T.Pappiah, learned Special Government Pleader for the respondents 1 and 2.

3. The case of the petitioner is that subject property originally belonged to the father of the petitioner. The petitioner and the 3rd respondents are brothers. It is further seen from the records that both the petitioner and the 3rd respondent are claiming right over the property through two wills. According to the petitioner the earlier will that was executed in favour of the 3rd respondent was cancelled/revoked and the subsequent will was executed in favour of the petitioner.

4. The grievance of the petitioner is that the 3rd respondent without any semblance of right over the subject property has chosen to execute a settlement deed in favour of the 4th respondent who is the wife of the 3rd respondent.

5. The petitioner had given a representation dated 08.06.2020 before the 1st and 2nd respondents questioning the very registration of the document on the ground that the document does not even say as to how the 3rd respondent got the right over the property. That apart the petitioner is also questioning the jurisdiction of the 2nd respondent in registering the document, since according to the petitioner the property falls outside the jurisdiction of the 2nd respondent.

6. In the considered view of this Court, the dispute that has been raised by the petitioner cannot be decided by the 1st and 2nd respondents. If the petitioner is aggrieved by the execution of settlement deed by the 3rd respondent in favour of the 4th respondent, the petitioner has to necessarily go before a competent Civil Court and question the document executed by the 3rd respondent. This is more so since the parties are claiming their rights by virtue of a Will. Therefore, the Will can be proved only before the competent Civil Court and the 1st and 2nd respondents can never get into the question of genuineness of a Will or otherwise.

In view of the above, this Court is not inclined to entertain the writ petition and this Court is not in a position

to grant the relief as sought for in this petition and accordingly the writ petition is dismissed. No Costs. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The District Registrar of Assurances,
Cheyyar, Thiruvannamalai District

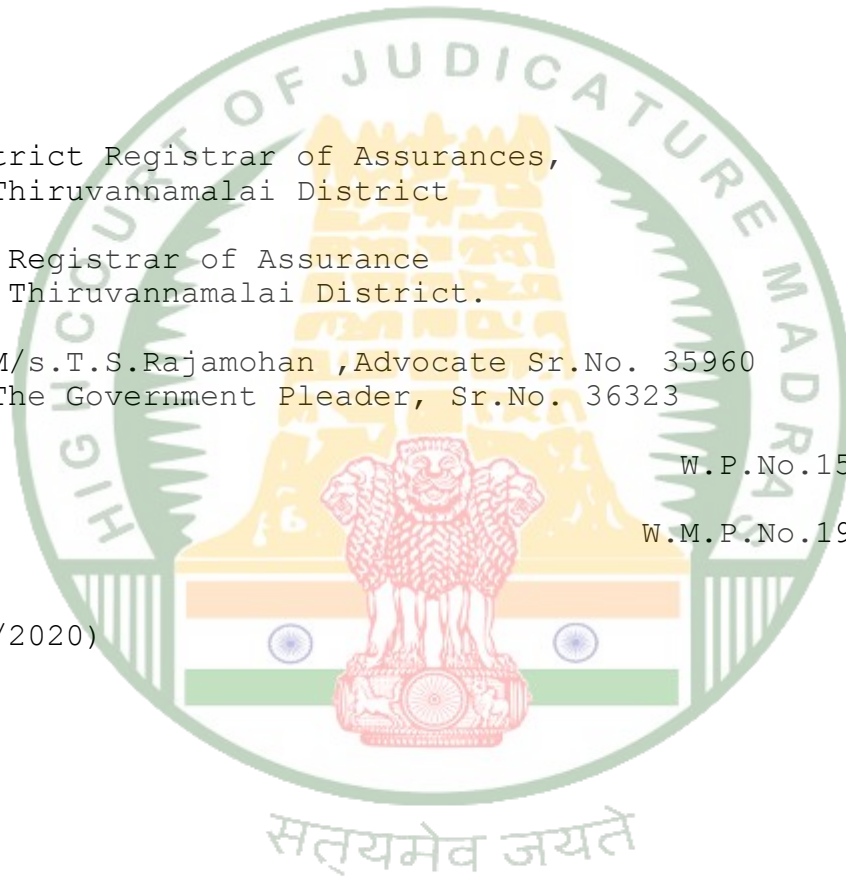
2.The Sub Registrar of Assurance
Vandavasi Thiruvannamalai District.

+1 cc to M/s.T.S.Rajamohan ,Advocate Sr.No. 35960

+1 cc to The Government Pleader, Sr.No. 36323

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BS (CO)
RMP (14/12/2020)



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