

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.12.2020

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.16880 of 2020
and WMP.No.20944 of 2020

Indra Priya @ Deborah Indra Jabapriya.W.

...Petitioner

.Vs.

1. The Sub Registrar,
(In the cadre of District Registrar)
Triplicane, Chennai-600 014.
2. The Revenue Divisional Officer,
Revenue Division Office,
Guindy, Chennai.
3. Vijay Prasad @ Alexandar Samuel jeikar
4. Deboral Jeevamani

....Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Declaration, declaring that the settlement deed executed by the 3rd respondent in favour of the 4th respondent namely Mr. Deboral Jeevamani on 08.11.2010 with regard to the property situated at Old Door No.31 and 1/1 and New Door No.16, Kareem Mohideen Street in Survey No.73 and RS. No.3992 Central Registration Triplicane Sub Registrar, Chennai Corporation Limit, Triplicane Taluk based on the forged Will dated 08.02.1999 as null and void and issue such further or other appropriate orders or directions as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

For Petitioner : Mr.K.Sudalai Kannu

For Respondents: Mr.T.M.Pappiah R1
Special Government Pleader

Mr.E.Balamurugan R2
Special Government Pleader

O R D E R

This Writ Petition has been filed for the issue of a Writ of Declaration declaring the settlement deed executed by the 3rd respondent in favour of the 4th respondent on 08.11.2010 as null and void and non est in the eye of law.

2. The case of the petitioner is that the third respondent, who is the younger brother of the petitioner created a forged Will as if the subject property was bequeathed in his favour. Thereafter, he approached this Court by filing O.P.No.499 of 2007 and also obtained Letters of Administration on 18.06.2008. By virtue of obtaining such Letters of Administration, the third respondent also executed a settlement deed in favour of his wife, who is the 4th respondent in this writ petition. The further case of the petitioner is that he filed an application to revoke the grant of Letters of Administration and this Court, after hearing both the sides, was pleased to pass an order on 18.02.2019 revoking the Letters of Administration that was granted on 18.06.2008.

3. In view of the above, the petitioner made a representation to the first respondent to revoke/cancel the settlement deed that was executed by the 3rd respondent in favour of the 4th respondent by virtue of the forged Will. The first respondent informed the petitioner through the letter dated 17.09.2020 to approach a competent Civil Court and work out his remedy. Aggrieved by the same, the present writ petition has been filed before this Court seeking for appropriate directions.

4. Heard Mr.K.Sudalai Kannu, learned counsel for the petitioner, Mr.T.M.Pappiah, learned Special Government Pleader appearing on behalf of the first respondents and Mr.E.Balamurugan, learned Special Government Pleader appearing on behalf of the second respondent.

5. The relief sought for by the petitioner is not maintainable in view of the fact that the revocation of the Letters of Administration by itself does not nullify the settlement deed executed by the third respondent in favour of the 4th respondent. If the petitioner feels that the settlement deed itself has been executed by using a forged Will, the petitioner has to necessarily go before the competent Civil Court and seek for an appropriate declaration. The petitioner cannot seek for such a declaration before this Court by way of filing a writ petition. Such a relief is beyond the jurisdiction of this Court exercising its jurisdiction under Article 226 of Constitution of India.

6. In view of the above discussion, this Court is not inclined to grant the relief sought for by the petitioner and liberty is granted to the petitioner to work out her remedy in accordance with law before the competent Civil Court.

7. This Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

1. The Sub Registrar,
(In the cadre of District Registrar)
Triplicane, Chennai-600 014.

2. The Revenue Divisional Officer,
Revenue Division Office,
Guindy, Chennai.

+1cc to the Government Pleader, S.R.No.39308

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