



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.11628 of 2021

WEB COPY

1.Selvam
2.S.Vidhyavathi

... Petitioners

Vs.

1. The District Collector,
Thanjavur.
2. The Tahsildar,
Kumbakonam Taluk,
Thanjavur District.
3. The No.1 Joint Sub Registrar,
Kumbakonam,
Thanjavur District.
4. Gnanavadiyu
5. M.Senthilkumar
6. M.Rajmohan
7. M.Ganeshan

... Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for records relating to the impugned Settlement Deed executed by fourth respondent in favour of 5th to 7th respondents registered as Document No.124/2020, dated 09.01.2020 on the file of the third respondent and quash the same and consequently direct the third respondent to remove the said documents from their file and in the encumbrance certificate.

For Petitioner

: Mr.R.S.Sivaram

For R1 to R3

: Mr.M.Lingadurai

Government Advocate

ORDER

This writ petition has been filed challenging the Settlement deed executed by the fourth respondent in favour of the respondents 5 to 7.



2. The case of the petitioners is that the fourth respondent had illegally obtained a patta in her name as if she is the exclusive owner of the property and had executed the settlement deed in favour of the respondents 5 to 7. The same has been put to challenge in the present writ petition.

WEB COPY

3. Heard Mr.R.S.Sivaram, learned counsel appearing for the petitioner and Mr.M.Lingadurai, learned Government Advocate appearing for the respondents 1 to 3.

4. In the considered view of this court, a registered document *per se* cannot become a subject matter of challenge in the writ petition. The document has been executed based on the patta and patta is already a subject matter of challenge and as and when the patta issued in favour of the fourth respondent is cancelled, it will always be left open to the petitioners to challenge the transaction as fraudulent before the concerned authority under the Registration Act. On the alternative, it is also open to the petitioners to challenge the document before the competent Civil Court. In any case, the remedy for the petitioners does not lie before this Court exercising its writ jurisdiction. Except giving this clarity, no further orders can be passed in this writ petition.

5. This writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (CRL)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

am

NOTE:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The District Collector,
Thanjavur.
2. The Tahsildar,
Kumbakonam Taluk,
Thanjavur District.



3. The No.1 Joint Sub Registrar,
Kumbakonam,
Thanjavur District.

+1 CC to M/s.SPL GP (SR-22555[F] dated 14/07/2021)

WEB COPY

**W.P. (MD) .No.11628 of 2021
13.07.2021**

RC (22.07.2021) 3P-5C