



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.09.2021

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD)No.16364 of 2021

Gunasekaran

... Petitioner

Vs.

- 1.The Inspector General of Registration,
Registration Department,
No.100, Santhome High Road, Chennai.
- 2.The District Registrar,
District Registrar Office, Thoothukudi,
Thoothukudi District.
- 3.The Sub Registrar,
Sub Registrar Office,
Keelur, Thoothukudi District.

4.S.Ammaponnu

5.S.Shanmugathai

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 3 to cancel the settlement deed executed by the fourth respondent in Doc.No.3669/2018 and the sale deed executed by the fifth respondent in Doc.No.3268/2020 on the file of the third respondent in respect of Town Survey No.5907/4, Plot No.17, Ward No.4, Block No.50, Door No.115/1B situated at Threshpuram Street, Thoothukudi Town by considering the petitioner's representation dated 28.07.2021 within the time frame stipulated by this Court.

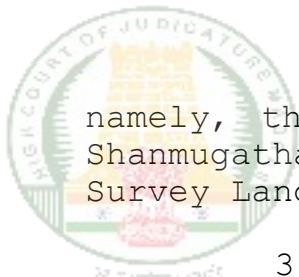
For Petitioner : Mr.S.Mandhiralingeswaran

For R1 to R3 : Mr.P.Subbaraj,
Counsel for State.

ORDER

The petitioner seeks the cancellation of a settlement deed executed by the fourth respondent in favour of the fifth respondent and a subsequent sale deed executed by the fifth respondent in respect of a property bearing Town Survey No.5907/4, Plot No.17, Ward No.4, Block No.50, Door No.115/1B situated at Threshpuram Street, Thoothukudi Town.

2. The petitioner states that the above mentioned property was owned by his father. The petitioner's father died on 09.12.2000 and, upon his death, his estate was inherited by the legal heirs,



namely, the petitioner's brother, Ganesan; sisters, Ammaponnu and Shanmugathai; and the petitioner. The petitioner cites the Town Survey Land Register in support of this contention.

3. Without effecting a partition of the property, the petitioner alleges that the fourth respondent executed a settlement deed in favour of the fifth respondent on 04.09.2018 under Document No.3669/2018. Pursuant thereto, it is stated that the fifth respondent executed a sale deed in favour of one Hemalatha on 04.09.2020 under Document No.3268 of 2020. After submitting a representation to respondents 1 to 3 on 28.07.2021, the present Writ Petition is filed seeking cancellation of the above mentioned documents.

4. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of respondents 1 to 3. He submits that the second respondent may be directed to consider and dispose of the petitioner's representation on merits.

5. The petitioner has enclosed the Town Survey Land Register in support of the contention that the legal heirs of his late father Subbiah are the joint owners of the property. The said Town Survey Land Register appears to reflect the names of the petitioner and the fourth respondent herein as well as the names of two other persons. Copies of the relevant settlement deed and sale deed are enclosed.

6. Registration authorities do not have the power to cancel registered documents as on date. Therefore, the relief prayed for by the petitioner cannot be granted. However, registration authorities are empowered to examine whether a fraud or other irregularity was committed in course of registration. In other words, a fraud that preceded registration or a fraud which is subsequent to registration cannot be examined by the registration authorities. But if a fraud or irregularity was committed in course of registration, registration authorities are empowered to inquire into the same. Needless to say, if the registration authorities decide to conduct such inquiry, all parties who are likely to be affected by such inquiry should be put on notice and provided a reasonable opportunity.

7. Subject to the above observations, W.P.(MD).No.16364 of 2021 is disposed of by directing the second respondent to consider the petitioner's representation dated 28.07.2021 and dispose of the same by a reasoned order after providing a reasonable opportunity to the petitioner, respondents 4 and 5 herein and any other person who would be affected by the decision taken in such regard. On account of the fact that the merits of the matter have not been gone into and because the second respondent has been directed to hear the fourth and fifth respondents before taking a decision, the Writ Petition is disposed of without notice to the private respondents.



6. Accordingly, W.P.(MD).No.16364 of 2021 stands disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (W)

WEB COPY

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg

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 Inspector General of Registration,
Registration Department,
No.100, Santhome High Road,
Chennai.
- 2.The District Registrar,
District Registrar Office, Thoothukudi,
Thoothukudi District.
- 3.The Sub Registrar,
Sub Registrar Office,
Keelur, Thoothukudi District.

+1 CC to M/s.SPL. GP (SR-29087[F] dated 15/09/2021)

W.P (MD) No.16364 of 2021

14.09.2021

GC(22.09.2021) 3P 5C