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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.No.27177 of 2016

Raji,
S/o.Subramani

... Petitioner

Vs.

1. The District Registrar (Admn.),
Chennai - South,
Saidapet, Chennai-600 015.

2. Mayandi,
S/o. Arumugha Nadar

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the proceedings of the 1st respondent in No.6123/A3/2016, dated 21.05.2016 and quash the same illegal, incompetent and ultravires and consequently direct the 1st respondent to conduct enquiry based on the complaint dated 26.08.2015.

For Petitioner : Mr.R.Jayaprakash

For Respondents : Mr. R.Vigneshwaran,
Govt. Advocate for R1

No appearance for R2

O R D E R

(The case has been heard through video conference)

Challenging the order passed by the 1st Respondent District Registrar rejecting the petitioner's application to cancel the settlement deed executed by the petitioner's mother in favour of 2nd respondent, the present Writ Petition has been filed.



2. The grievance of the petitioner is that, petitioner's mother one Nagammal, is having 1/3rd share in the property in Survey Nos.64/2A2 and 152/3B at Melakottaiyur Village, Chengalpet Taluk, Kancheepuram District. The 2nd respondent herein is brother of petitioner's mother Nagammal and by misrepresentation, he has got settlement deed executed in his favour for 2/3rd share in the said property. Subsequently, the petitioner came to know that, the property has been transferred by misrepresentation, hence, he has made a complaint before the 1st respondent District Registrar to cancel the settlement deed. That application came to be dismissed stating that, it is only a civil dispute between the parties and a civil suit is pending between them. Hence, all the disputes could be resolved by a civil court and accordingly, dismissed the application. Now, challenging the same, the present Writ Petition has been filed.

3. Heard and considered rival submissions made by Mr.R.Jayaprakash, learned counsel appearing for petitioner and Mr. R.Vigneshwaran, learned Government Advocate appearing for 1st respondent and perused the records. There is no representation on behalf of 2nd respondent.

4. The settlement deed executed by the petitioner's mother in favour of 2nd respondent, who is none other than her brother is sought to be cancelled. Admittedly, now a civil suit pending between the parties, wherein the 2nd respondent filed a suit seeking for partition in respect of 2/3rd share based on the settlement deed executed by the petitioner's mother in O.S.No.113 of 2014, pending on the file of learned District Court, Chengalpet. The petitioner has also filed another suit in O.S.No.326 of 2018, on the file of learned Addl. District Judge, Chengalpet, on the ground that the settlement deed executed by the petitioner's mother as null and void and he is entitled for 1/3rd share. Both the parties are before the civil court seeking their respective rights and the settlement deed is the main issue in both suits.

5. In the above circumstances, as both the parties are before the civil court claiming respective right over the property, only civil court is competent to decide as to validity of the settlement deed, and the 1st respondent District Registrar cannot decide those issues. Considering those circumstances, the 1st respondent District Registrar has rightly rejected the application and directed him to resolve the dispute before the civil court. I find no irregularity in the order passed by the 1st respondent District Registrar and I find no merit in this Writ Petition. It is needless to say that the final decision on



the validity of the settlement deed by the civil court is binding on both the parties. Accordingly, this Writ Petition stands dismissed. No costs.

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Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

rpp

To

The District Registrar (Admn.),
Chennai - South,
Saidapet, Chennai-600 015.

+2cc to Mr.R.Jayaprakash, Advocate SR.No.10398
+1cc to the Government Pleader SR.No.10741

W.P.No.27177 of 2016

EV(CO)
GN(18/03/2022)