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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.13464 OF 2019

AND

W.M.P.NO.13577 OF 2019

P.Periyasamy

... Petitioner

Vs.

1. The Inspector General of Registration,
Office of the Inspector General of Registration,
100, Santhome High Road Mylapore,
Foreshore Estate,
Chennai,
Tamil Nadu - 600 028.
2. The District Registrar,
Office of the District Registrar,
Ariyalur.
3. The Sub - Registrar,
Veppur Sub-Registrar Office,
Ariyalur Registration District,
Perambalur.
4. C.Annadurai
5. The Tahsildar
Kunnam Taluk,
Perambalur District.
6. The Village Administrative Officer,
Paravai West and Andhur Villages,
Kunnam Taluk, Perambalur District.
7. Devarasu
8. Elavarasu
9. Devaki



(R5 to R9 impleaded as per
order dated 25.11.2019
made in WMP.33388/2019
in WP.13464/2019 by GJJ)

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... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the third respondent in his proceedings dated 18.03.2019 vide RFL/Veppur-Ariyalur/2/2019 (TP/59146637/2019) and quash the same and consequently direct the third respondent to register the settlement deed dated 18.03.2019 executed by the petitioner in favour his grand sons namely L.Subramanian, L.Natrarajan and L.Manikandan sons of Logananthan.

For Petitioner	:	Mr.G.Ilamurugu
For Respondents	:	Mr.Yogesh Kannadasan for R1 to R3, R5, R6 Special Government Pleader Mr.R.Veeramani for R4 Mr.K.Sasindran for R7 to R9

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus calling for the records of the third respondent in his proceedings dated 18.03.2019 vide RFL/Veppur-Ariyalur/2/2019 (TP/59146637/2019) and to quash the same and to consequently direct the third respondent to register the settlement deed dated 18.03.2019 executed by the petitioner in favour his grand sons.

2.The case of the petitioner is that the petitioner is the owner of the subject property and executed settlement deed in favour of his grandsons and presented the same before the third respondent, however, the third respondent refused to register the document on the ground that the encumbrance in respect of the property shows that respondents 7 and 8 have executed settlement deed in favour of the ninth respondent. Challenging the same, the petitioner has filed this writ petition.

3.The learned counsel appearing for the petitioner submitted that originally patta in respect of the subject property was issued in the name of the petitioner. Thereafter, respondents 7 and 8 mutated the patta by including their name, without the



knowledge of the petitioner. On coming to know about the same, the petitioner made complaint to the District Collector with regard to the irregularities committed by the revenue Officials and thereafter, patta was restored in the name of the petitioner. However, without considering the same, the third respondent refused to register the document.

4.The learned counsel appearing for the respondents 7 to 9 submitted that the petitioner has already filed suit in O.S.No.203 of 2020 on the file of the Sub Court, Perambalur, as against the respondents 7 to 9, in respect of the subject property and the same is pending consideration. While such being the position, the petitioner has executed settlement deed in favour of his grandsons, which is not sustainable one.

5.Heard the arguments advanced on either side and perused the materials available on record.

6.The petitioner claim that he is the owner of the subject property and he executed settlement deed in favour of his grandsons. Originally patta in respect of the subject property was issued in the name of the petitioner. Thereafter, respondents 7 and 8 mutated the patta by including their name, without the knowledge of the petitioner. On coming to know about the same, the petitioner made complaint to the District Collector with regard to the irregularities committed by the revenue Officials and thereafter, patta was restored in the name of the petitioner. However, the third respondent refused to register the document.

7.The petitioner has already filed a suit in O.S.No.203 of 2020 on the file of the Sub Court, Perambalur, as against the respondents 7 to 9, in respect of the subject property and the same is pending consideration.

8.Perusal of impugned order shows that the third respondent has refused to register the document on the ground that encumbrance in respect of the property shows that respondents 7 and 8 have executed settlement deed in favour of the ninth respondent. Unless the settlement deed executed in favour of the ninth respondent is cancelled, entertaining the another settlement deed executed by the petitioner in favour of his grandsons is not sustainable. Hence, the relief sought for by the petitioner in this writ petition cannot be granted.

9.The writ petition is dismissed. However, liberty is granted to the petitioner to present the settlement deed executed by him in favour of his grandsons, before the third respondent, if he succeeds in the suit in O.S.No.203 of 2020 on



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the file of the Sub Court, Perambalur. No costs.
Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector General of Registration,
Office of the Inspector General of Registration,
100, Santhome High Road Mylapore,
Foreshore Estate, Chennai,
Tamil Nadu - 600 028.
2. The District Registrar,
Office of the District Registrar,
Ariyalur.
3. The Sub - Registrar,
Veppur Sub-Registrar Office,
Ariyalur Registration District,
Perambalur.
4. The Tahsildar
Kunnam Taluk,
Perambalur District.
5. The Village Administrative Officer,
Paravai West and Andhur Villages,
Kunnam Taluk, Perambalur District.

+1cc to M/s.R.Veeramani, Advocate, S.R.No.26494

+1cc to M/s.G.Ilamurugu, Advocate, S.R.No.26112

+1cc to the Government Pleader, S.R.No.26769

W.P.No.13464 of 2019
And
W.M.P.No.13577 of 2019

GSM(CO)
RLP (27/04/2022)