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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2022

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THE HON'BLE **MR.JUSTICE M.DHANDAPANI**

W.P.No.25070 of 2022

Sivakumar

... petitioner

-Vs-

1. Inspector General of Registration,
Office of the Inspector General of Registration,
Chennai 600 028.
2. District Registrar (Administration),
Office of the District Registrar,
No.44-45, Indira Nagar,
Virudhachalam, Cuddalore District – 606 001.
3. Sub Registrar,
Office of the Sub Registrar, Ulurpet,
Kallakurchi District.

4. Raja

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified mandamus to call for the records of 2nd Respondent order in O.Mu.No.3969/AA1/2022 dated 24.08.2022 quash the same and consequently direct the 2nd respondent to cancel the settlement deed dated 27.05.2022 in doc No.1/1892/2022 on the file of the 3rd Respondent and pass orders.



For petitioner : Mr.S. Gunaseelan

For Respondents : Mr.G. Krishna Raja

Additional Government Pleader

ORDER

This writ petition is filed seeking for a writ of Writ of Certiorarified mandamus and call for the records of 2nd Respondent order in O.Mu.No.3969/AA1/2022 dated 24.08.2022 quash the same and consequently direct the 2nd respondent to cancel the settlement deed dated 27.05.2022 in doc No.1/1892/2022 on the file of the 3rd Respondent.

2. The case of the petitioner is that the petitioner is the owner of the subject property and there was a civil suit pending in respect of the subject property before the Trial court as well as before this Court. Pending the litigation the 4th respondent executed a sale deed in favour of his brother vide Doc. no.1/1892/2022 before the sub Registrar Office, Ulundurpet, Kallakurchi District. Challenging the settlement deed the petitioner filed an application before the 2nd respondent on 24.08.2002 to cancel the settlement deed executed by the 4th respondent and the 2nd respondent rejected the application on the



ground that the District Registrar has no power to cancel the deed and the petitioner can seek remedy only through the competent Civil Court if he has any grievance regarding the title in the subject property. Aggrieved over the same the petitioner has filed this present petition.

3. The learned counsel for the petitioner submits that the petitioner is the owner of the property and as per circular Letter No.41530/U1/2017 dated 25.03.2022 the District Registrar has power to call the aggrieved parties and conduct an enquiry regarding the pendency of the cases. He further submits that the District Registrar has got the authority to cancel the document. Hence he prays to allow this petition.

4. The learned Additional Government pleader submits that the 3rd respondent has registered the document based on the Judgment passed in A.S.No.31 of 2019. Hence there is no necessity to interfere with the impugned order.

5. Heard both sides and perused the materials available on record.



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6. Admittedly the facts of the case are not in dispute the petitioner claiming he is the owner of the property and there was a dispute with regard to the subject property for which there was a civil suit pending before the Trial court as well as before this Court. On perusal of the records reveals that the petitioner has filed an second appeal in S.A.No.590 of 2022 and also filed the present petition for the very same issue which is not sustainable one. However, only based on the Judgment passed in A.S.No.31 of 2019 the document came to be registered and therefore the settlement deed executed by the 4th respondent cannot found fault with.

7. In view of the above, this Court is of the view that there there is no merit in this petition. Accordingly this writ petition is dismissed. However liberty granted to the petitioner to work out the remedy in the manner known to law after disposal of the S.A.No.590 of 2022. No order as to costs.

19.09.2022

Index : Yes/No
Internet: Yes/No
Speaking Order : Yes/No
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To

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M.DHANDAPANI,J.

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