



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD) No.337 of 2022

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S.Jegadeeswari

... Petitioner

vs.

1.The Inspector General of Registration,
No.100, Raja Annamalaipuram,
Chennai-28.

2.The District Registrar,
Office of the District Registrar,
No.171, Palace Road,
Madurai-625 001.

3.The Sub-Registrar,
Thirupparankundram Registration Office,
Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to consider the petitioner representation, dated 27.12.2021, within a stipulated time period in accordance with law.

For Petitioners : Mr.C.Senthil Murugan

For Respondents : Mr.D.Ghandiraj
Special Government Pleader

O R D E R

The writ petition has been filed in the nature of Writ of Mandamus, seeking examination of a representation dated 27.12.2021 given by the petitioner herein.

2.The mother of the petitioner, had executed a settlement deed registered as Document No.1676 of 2016 in the office of the third respondent/Sub Registrar, Thirupparankundram Registration Office, Madurai District with respect to property in S.Nos.15/5B, 15/5A and 15/2 at Vadivelkarai Village, Madurai District. The said settlement deed was executed in favour of the petitioner. The mother, thereafter, cancelled the settlement deed, according to the petitioner, unilaterally and that such cancellation deed has been registered as Document No.3489 of 2019 by the very same Sub Registrar on 18.10.2019. The petitioner had originally filed W.P. (MD)No.13856 of 2021 and later, had withdrawn the said writ petition. The petitioner had thereafter, filed a civil suit, which is now pending before the District Court at Madurai. Now the



petitioner had given a representation calling upon the respondents to initiate prosecution taking advantage of Sections 82 and 83 of the Registration Act, 1908.

3. Heard the learned counsel for the petitioner and also Mr.D.Ghandiraj, learned Special Government Pleader, who had taken notice on behalf of the respondents.

4. It is seen that the petitioner has an ongoing dispute with her own mother and pendency of the various litigations in the Court and accumulation of such litigations would only aggravate the said issue and it would only be appropriate that the petitioner sits down and thinks for sometime about her own childhood and the love and affection, which the mother had bestowed on her and thereafter, takes a decision to continue with adversarial litigations against her own mother. By way of the representation, the petitioner seeks that the respondents should initiate criminal prosecution against her mother.

5. Section 82 of the Registration Act, provides for a penalty for making false statements, delivering false copies or translations, false personation and abetment. In the instant case, the document for cancellation was presented by the person who actually executed the settlement deed. There has been no false personation. There has been no false copy or translated documents given. There has been no false statements given. It had been covenanted that a settlement deed had been executed and thereafter, for reasons given the document has been cancelled.

6. Mr.D.Ghandiraj, learned Special Government Pleader drew the notice of this Court to a circular issued by the Inspector General of Registration on 29.11.2018 in No.5266/C1/2018, wherein a small window is given with respect to registration of cancellation of the settlement deed. The same is given as follows:-

"...C) Any Settlement deed wherein certain condition has been imposed on the Settlee, and if an unilateral revocation/cancellation of such settlement deed is executed by the Settlor clearly stating that Settlee has not fulfilled certain conditions imposed in the settlement deed, the same can be registered after ensuring that said conditions were specifically mentioned in the said Settlement deed."

7. This is an issue which is to the subjective satisfaction of the respondents herein. Criminal prosecution will not lie. Representation had been given out of ill advise. The respondents cannot be forced to act on a representation which *prima facie* is workable and is against the provisions of the law.



8.The writ petition stands dismissed. The petitioner had also filed a suit. Let her proceed with the suit. No costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

WEB COPY

/ /2022

Sub Assistant Registrar(CS)

sjj

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,
No.100, Raja Annamalaipuram,
Chennai-28.
- 2.The District Registrar,
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Madurai-625 001.
- 3.The Sub Registrar,
Thirupparankundram Registration Office,
Madurai District.

+1 CC to M/s.SPL GP (SR-1300[F] dated 11/01/2022)

W.P.(MD) No.337 of 2022
10.01.2022

MGJ(31.01.2022) 3P 5C