



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.01.2022

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD) .No.1283 of 2022

and

W.M.P. (MD) .Nos.1131 and 1154 of 2022

Abul Hasan

... Petitioner

Vs.

1.The Inspector General of Registration,
Santhome High Road,
Chennai - 600028.

2.The Deputy Inspector General of Registration,
Combined Registration Office,
TNAU Nagar,
Rajakambeeram,
Y.Othakadai,
Madurai - 625107.

3.The District Registrar,
Ramanathapuram,
Ramanathapuram District.

4.Noorul Ameen

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records pertaining to the impugned order in Na.Ka.No.2043/Aa1/2021 dated 02.12.2021 on the file of the respondent and quash the same.

For Petitioner	:	Mr.J.M.Hassanul Bazari
For R-1 to R-3	:	Mr.N.Satheesh Kumar, Additional Government Pleader.

ORDER

Heard Mr.J.M.Hassanul Bazari, learned counsel for the petitioner and Mr.N.Satheesh Kumar, learned Additional Government Pleader, who takes notice on behalf of respondents 1 to 3.

2. In view of the fact that I am not prepared to keep the Writ Petition any further on the board of this Court and orders are passed at the time of admission, notice is not directed to the fourth respondent.



3. The petitioner has expressed his grievances in the Writ Petition, questioning an order passed by the third respondent / the District Registrar, Ramanathapuram District, dated 02.12.2021, whereby, the said official had come to the conclusion that a settlement deed executed by the petitioner, dated 27.09.2019, in favour of his own wife, had been executed fraudulently and that the petitioner's title to the said property, itself is questionable and that without clear title, the petitioner had executed the settlement deed. There were also rival claims to the title. In fact, the third respondent concluded that the settlement deed is a fraudulent document.

4. Learned counsel for the petitioner claimed that the third respondent had passed the impugned order taking the garb of a Civil Court and had examined the title of the property. When there is an allegation that a particular document had been executed without title, perfunctory examination tracing title, will have to be done by any official, because even quasi-judicial orders require examination of title, particularly when fraud is pleaded, at least to rule out fraud.

5. It must be kept in mind that the third respondent had not cancelled the document, but had only mentioned that the said settlement deed is fraudulent in nature. That observation is within the powers of the third respondent in view of the Circular of the Inspector General of Registration bearing No.41530/U1/2017 dated 06.04.2018 and a further Circular bearing No.20217/U1/2021 dated 09.07.2021. The official is discharging a duty cast on him to so discharge when a complaint had been raised that a particular settlement deed had been executed when the title of the settlor is questionable.

6. Let me now examine the flow of the particular title to the said property. The property, measures 4324 ½ square feet in Old Natham Survey No.107/1, New Survey No.617/B in Sakkarakottai Village, Ramanathapuram District. It is claimed that it originally belonged to one Seeni Ravuthar. He had two sons. The second son is the father of the fourth respondent. Naturally, by that one statement itself, the fourth respondent can claim some title or interest over the said property, because his father is the son of the original title holder, Seeni Ravuthar.

7. There was also a daughter, Sabura Ammal. It is stated that on 19.04.1927, the said Seeni Ravuthar had executed an Inam settlement deed in favour of his sister, who, in turn, is the grandmother of the petitioner herein. It is also stated that after the death of the sister, her husband had sold the northern side of the property on 15.06.1936 and the remaining eastern side of the property vested with the legal heirs of the said sister. There was also a mortgage and after that, it is claimed that her daughters had



claimed by the petitioner had fallen to the share of one of the daughters and therefore, by way of succession on her death, the petitioner's title had been recognized and crystallized.

8. There is no details provided evidencing oral partition. If there is a plea regarding oral partition, then the date, the witnesses present and the time must be certainly given. There is no such averment made in the affidavit filed in support of the Writ Petition. Claiming title merely because the petitioner happens to be in possession will not crystallize title to the petitioner. He will have to go back to the Civil Court seeking a request to recognise his title.

9. A perusal of the order questioned in this Court shows that there is an appeal remedy provided before the Deputy Inspector General of Registration at Madurai. The petitioner's choice is wide. He has also a choice to file an appeal.

10. The Writ Petition is not maintainable in view of the fact that the petitioner had no recognizable title to execute a settlement deed and since there is an appellate authority provided. This Court cannot sit in appeal over the order of the third respondent.

11. Accordingly, the Writ Petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Lm

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,
Santhome High Road,
Chennai - 600028.



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Rajakambeeram,
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Ramanathapuram District.

+1 CC to M/s.SPL.GP (SR-2799[F] dated 28/01/2022)

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27.01.2022

SK(CO)
KB(08.02.2022) 4P 5C