



W.P(MD)No.130 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **26.09.2022**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.130 of 2015

Rajeswari

... Petitioner

Vs.

1.The Inspector General,
Registration Department,
Santhom,
Chennai.

2.The District Registrar,
Registration Department,
Madurai.

3.The Sub Registrar,
Office of Sub Registrar,
Vadipatti,
Madurai District.

4.M.Venkitasubramanian

5.M.Raja

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second respondent to conduct enquiry in view of circular No.67, dated 03.11.2011 issued by the first respondent in respect of settlement deed No.8 of 1994 and Gift Deed No.1514 of 2014 in respect of 216/1 (new



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S.No.556/11) and 226/1, situated at Thanichiyam Village, Vadipatti Taluk, Madurai District.

For Petitioner : M/s.S.Balamurugan
For R-1 to R-3 : M/s.S.R.A.Ramachandran
Additional Government Pleader
For R-4 & R-5 : Mr.S.Karthick

ORDER

The present Writ Petition has been filed seeking a Writ of Mandamus, directing the second respondent herein to conduct an enquiry under Circular 67, dated 03.11.2011, in respect of a settlement deed No.8 of 1994 and gift deed No.1514 of 2014.

2. According to the writ petitioner, the writ petitioner and fifth respondent are brother and sister and the property originally belonged to their father Mookkaiyah Servai. After the death of their father, the mother has executed a settlement deed in favour of the fifth respondent herein on 06.01.1994. Thereafter, the fifth respondent has executed a settlement deed in favour of the fourth respondent on 08.09.2014. According to the petitioner, neither their mother nor the fifth respondent have absolute title to execute the above mentioned settlement deeds.



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Hence, they wanted the interference of the second respondent and to cancel the said settlement deed.

3. Narration of the above said facts will clearly indicate that there is a dispute whether the property absolutely belongs to the mother of the writ petitioner or father of the writ petitioner and whether the settlors will have any power to execute the above mentioned settlement deeds. In view of the above said facts, the issue has to be decided only by a competent civil Court and the second respondent will not have any jurisdiction to entertain such a complaint.

4. In view of the above said fact, this Court cannot entertain the present writ petition. However, the writ petitioner is at liberty to approach the competent civil Court for appropriate relief. With the above said observations, the writ petition stands disposed of. There shall be no order as to costs.

26.09.2022



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Index : Yes / No
Internet : Yes / No
btr

To

- 1.The Inspector General,
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R.VIJAYAKUMAR, J.

btr

Order made in
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