



W.P.(MD)No.26066 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.11.2022

CORAM

THE HONOURABLE Mrs. JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition (MD) No.26066 of 2022
and
W.M.P.(MD)No.20200 of 2022

Sagayarani, D/o.Late. Kulanthai

.. Petitioner

Versus

- 1.The Director General of Registration,
Santhome High Road,
Chennai – 28.
- 2.The Deputy Director General of Registration,
Rajakambeeram,
Madurai North, Madurai District.
- 3.The District Registrar,
Registration Department,
Thirupathur Road,
Sivagangai District.
- 4.The Sub-Registrar,
Manamadurai,
Sivagangai District.

5.Jerald Pushpam, D/o.Late. Iruthaya Pitchai

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the second respondent in Na.Ka.No. 1848/A4/2021, dated 20.07.2022, quash the same as illegal and consequently, direct the fourth respondent to cancel the Document No.1163/1976, dated



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02.09.1976, with regard to the land in S.No.116/10 at Rajakambeeram Village, Sivagangai District.

For Petitioner : Mr.D.Saravanan
For Respondents 1 to 4 : Mr.S.R.A.Ramachandran
Additional Government Pleader

ORDER

The petitioner has prayed for issuance of a Writ of Certiorarified Mandamus, to quash the impugned order passed by the second respondent in Na.Ka.No.1848/A4/2021, dated 20.07.2022, and consequently, direct the fourth respondent to cancel Document No.1163/1976, dated 02.09.1976, with regard to the land in S.No.116/10, situated at Rajakambeeram Village, Sivagangai District.

2. Heard Mr.D.Saravanan, learned counsel appearing for the petitioner and Mr.S.R.A.Ramachandran, learned Additional Government Pleader, who takes notice for the respondents 1 to 4. By consent of the learned counsel appearing for the parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. Having regard to the nature of the order proposed to be passed in this Writ Petition, notice to the fifth respondent is dispensed with.



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4. According to the learned counsel for the petitioner, the land bearing S.No.116/10, measuring an extent of 64 cents originally belonged to the petitioner's grandfather namely, Savarimuthu Yekali and he was in possession and enjoyment of the above said property till his life time. During his lifetime, the petitioner's grandfather executed a registered Will in favour of the petitioner and her sister in 1969, in which, he appointed the petitioner's mother as guardian of the petitioner and her sister and gave life interest to the petitioner's mother. Accordingly, after the demise of her grandfather, the petitioner's mother was in possession and enjoyment of the said property and the petitioner's mother is not having any right over the above said property, except life interest and suppressing the material facts, she executed a sale deed in favour of one Iruthaya Pitchai in the year 1976 when the petitioner and her sister were minors. After attaining majority, the petitioner requested her mother to give the property, which was executed by her grandfather, for which, she has stated that the property was mortgaged to the said Iruthayaraj Pitchai. Subsequently, the said Iruthayaraj Pitchai died and his legal heirs are enjoying the said property. When the petitioner was intending to redeem the mortgage, she came to know about the said sale deed, which was created by impersonation of the said Iruthayaraj Pitchai.



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5. Further, according to the learned counsel for the petitioner, the petitioner's grandfather had not given any absolute right over the property in favour of the petitioner's mother and she executed the sale deed without any right and therefore, the respondents ought to have enquired about the said sale deed and cancel the same. In this regard, the petitioner filed a petition before the fourth respondent on 17.12.2015 to cancel the said document, bearing Document No.1163/1976, dated 02.09.1976 under Sections 82 and 83 of the Tamil Nadu Registration Act, 1908 and the same was enquired and rejected by the third respondent on the ground that the matter is civil in nature and directed the petitioner to approach the appellate authority, vide his proceedings, dated 22.11.2016. Hence, the petitioner filed an appeal before the first respondent, who in turn, forwarded the same to the second respondent. The second respondent failed to consider the grounds raised in the appeal and mechanically, rejected the petitioner's appeal, vide his proceedings dated 20.07.2022. Challenging the same, the petitioner has filed the present Writ Petition for the relief stated supra.

6. The learned counsel appearing for the petitioner submitted that in the impugned order, dated 20.07.2022, the second respondent has directed the petitioner to approach the High Court and redress her grievance instead of directing her to approach the competent Civil Court, which has jurisdiction to



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entertain the said case and therefore, he seeks interference of this Court with the said order.

7. On a perusal of the impugned order of the second respondent, dated 20.07.2022, it is seen that the second respondent has directed the petitioner to approach the High Court and redress her grievance instead of directing her to approach the competent Civil Court, which has jurisdiction to entertain the said case. Hence, the said portion namely, directing the petitioner to approach the High Court alone is modified to the effect that the petitioner shall approach the competent Civil Court to redress her grievance. In all other aspects, the order of the second respondent, dated 20.07.2022, remains unaltered.

8. This Writ Petition is allowed to the extent indicated above. No costs. Consequently, connected Miscellaneous Petition is closed.

Index : Yes/No
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18.11.2022

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V.BHAVANI SUBBAROYAN, J.

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