



WEB COPY

W.P.No.23774 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.23774 of 2015

and

M.P.Nos.1 & 2 of 2015

Muniraj

... Petitioner

Vs.

1.State rep. by District Registrar
Administration
Krishnagiri District.

2.Mrs.B.Nirmala

3.Mrs.N.Kanthamma

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for the records on the file of 1st respondent made in Na.Ka.No.2442/u/2012 dated 29.05.2012 and quash the same.

For Petitioner

: M/s.Selvi George

For R1

: Mr.G.Krishna Raja
Additional Government Pleader



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For R2 & R3

: Ms.Rukmani

For Mr.P.B.Ramanujam

ORDER

The order dated 29.05.2012 passed by the District Registrar (Administration), Krishnagiri District cancelling the Settlement Deed executed by the father of the writ petitioner in favour of the petitioner is under challenge in the present writ petition.

2. The petitioner states that his father Chennappa executed a Settlement Deed in his favour in document No.2077 of 2010 in respect of the land situated at Eluvapalli Village, Hosur Taluk, Krishnagiri District. The petitioner states that the land belongs to the ancestor of his father and after effecting partition, the petitioner's father became the owner of the property. thus, the father of the petitioner executed the Settlement Deed in his favour.

3. In respect of the disputes between the parties, the husband of the 2nd respondent Mr.Nagaraju filed a Civil Suit in O.S.No.218 of 2010 on the file of District Munsif Court, Hosur. Admittedly the Civil Suit is pending.



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4. Under those circumstance, the respondents 2 and 3 have submitted a complaint before the District Registrar to cancel the fraudulent Settlement Deed executed by the father of the writ petitioner in favour of the writ petitioner. The District Registrar conducted an enquiry by affording opportunity to all the parties. The findings in the order impugned passed by the District Registrar reveals that the father of the writ petitioner could not establish the title in respect of the property and the Settlement Deed was executed fraudulently. Based on the documents available on record, the District Registrar cancelled the Settlement Deed executed in favour of the petitioner by his father. Necessary entries were also directed to be made in the register and in the encumbrance registers.

5. Admittedly, the Civil Suit is pending between the parties in O.S.No.218 of 2010. The petitioner has filed another suit in O.S.No.95 of 2010. Both the suits are pending and the parties are at liberty to establish their title and ownership in the Suit instituted before the Competent Civil Court of Law.



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6. As far as the findings of the District Registrar in the impugned order is concerned, this Court do not find any infirmity in view of the fact that the petitioner could not establish the title regarding the property, which was the subject matter of the Settlement Deed executed. Thus, the summary enquiry conducted by the District Registrar cannot be construed as infirm.

7. The District Registrars are empowered to conduct a summary enquiry and based on the summary enquiry, the District Registrar formed a opinion that the document registered is fraudulent. Thus, the petitioner is at liberty to establish his case, if he possess any document or otherwise before the Competent Civil Court of Law, since the Civil Suits instituted are pending.

8. Accordingly, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

06.06.2023

Jeni
Index : Yes
Speaking order
Neutral Citation : Yes



To

The District Registrar
State
Administration
Krishnagiri District.

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S.M.SUBRAMANIAM, J.

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