



WEB COPY



W.P.No.26572 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2023

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.26572 of 2023

B.Deenadayalan

...Petitioner

-Vs-

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

2.The District Registrar (Administration),
Office of the District Registrar,
Coimbatore District.

3.The Sub Registrar,
Office of the Sub Registrar,
Ganapathi,
Coimbatore District.

4.Vijayalakshmi

5.Kanchana

6.Banumathi

7.Pushpalatha

...Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to directing the 2nd respondent herein to conduct proper enquiry pertaining to the petitioner's representation dated 24.08.2022 based on the direction given by the 1st respondent in his proceedings in Letter No.LG-U/7/2022-U-Sec dated 27.01.2023 and consequently dispose of the petitioner's representation dated 24.08.2022 within a stipulated time frame.

For Petitioner : Mr.W.Camyles Gandhi

For R1 to R3 : Mr.E.Sundaram
Government Advocate

ORDER

The relief sought for in the present Writ Petition is to direct the second respondent herein to conduct enquiry pertaining to the petitioner's representation dated 24.08.2022 based on the direction given by the first respondent in his proceedings dated 27.01.2023.

2.The petitioner submitted a representation to the second respondent District Registrar (Administration) under section 77A of the Registration Act to cancel the Settlement Deed jointly executed by his father and his



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grand mother in favour of the respondents 4 to 7 in respect of their properties. The petitioner, who is the son and grand son of the executor of the Settlement Deed, filed a representation to the District Registrar to cancel the Settlement Deed.

3. It is not in dispute that the father of the writ petitioner is aged about 52 years and alive. While so, the petitioner has no locus to submit an application under section 77A to cancel the Settlement Deed. When the executor of the Settlement Deed is very much alive and aged about 52 years, the petitioner is incompetent to submit an application and thus, the District Registrar is empowered to reject the application on the ground of locus standi. The petitioner has not even impleaded his father in the present writ petition and his grand mother has already died, who was the joint executor of the Settlement Deed. That being the factum, the complaint under Section 77A is not entertainable and the power under Section 77A cannot be expanded for the purpose of adjudication of such complex disputes among the family members.



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4. Thus, a direction to consider the petitioner's representation in the present case would do no service to the cause of justice. Therefore, the petitioner herein is not entitled for the relief sought for. Accordingly, the Writ Petition stands dismissed. No costs.

12.09.2023

Index: Yes
Speaking order
Neutral Citation: Yes/No
pal/hvk

To

1. The Inspector of General of Registration,
100, Santhome High Road,
Pattinampakkam,
Chennai-600028.
2. The District Registrar (Administration),
Office of the District Registrar,
Coimbatore District.
3. The Sub Registrar,
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S.M.SUBRAMANIAM, J.

pal/hvk

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