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W.P.(MD)No.14413 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.01.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.14413 of 2019

and

W.M.P(MD)No.10853 of 2019

N.Suresh

... Petitioner

Vs.

1.The District Registrar,
Marthandam Registration District,
Marthandam Post,
Kanyakumari District.

2.The Sub-Registrar,
O/o.The Munchirai Sub-Registrar,
Munchirai Post,
Kanyakumari District.

3.Lisi

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to consider the petitioner's representation Nil dated and received by the first respondent on 15.05.2019 and to take appropriate action under Section 83 of the Tamil Nadu Registration Act, 1908.

For Petitioner : Mr.M.Saravakumar

For R1 and R2 : Mr.S.Shanmugavel
Additional Government Pleader

For R3 : Mr.M.P.Senthil



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ORDER

Heard the learned counsel on either side.

2.The case of the petitioner is that the petition mentioned property was bequeathed to him by the grand father through a registered Will. Based on the same, patta was also changed in his favour. In this background, the third respondent who is none other than the petitioner's mother, settled the very same property in favour of the petitioner's brother. The petitioner counsel's specific contention is that the third respondent has no title or right over the property to execute the settlement. Based on the settlement deed, the petitioner's brother has now complained against the petitioner to the revenue authorities from whom the petitioner obtained solvency certificate. The petitioner therefore wants the first respondent to enquire into the matter and cancel the settlement deed.

3. The first respondent may not have jurisdiction to cancel the settlement deed. The petitioner, has to move the jurisdictional civil Court for appropriate relief. If the petitioner files any such suit, it shall



be numbered immediately without reference to limitation. The petitioner is also at liberty to file an interlocutory application and if such an application is filed, the IA will be disposed of on merits and in accordance with law within a period of eight weeks thereafter.

4. With the liberty to move the jurisdictional civil Court and direction to the jurisdictional civil Court to dispose of the IA, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

09.01.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To:

- 1.The District Registrar, Marthandam Registration District,
Marthandam Post, Kanyakumari District.
- 2.The Sub-Registrar, O/o.The Munchirai Sub-Registrar,
Munchirai Post, Kanyakumari District.



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G.R.SWAMINATHAN, J.

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