



W.P.(MD)No.19689 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.12.2023

C O R A M

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.19689 of 2020

and

W.M.P.(MD)Nos.16409, 16413 and 16417 of 2020

Sudalai Madan Nadar

... Petitioner

-VS-

- 1.The State of Tamil Nadu,
Inspector General of Registration,
Santhome High Road, Chennai.
- 2.The District Registrar,
Tirunelveli District Registration Office,
Tirunelveli,
Tirunelveli District.
- 3.The Sub Registrar,
Radhapuram Registration Office,
Radhapuram,
Tirunelveli District.
- 4.Latha Darling
D/o.Not Konwn,
Working as a Sub Registrar,
Radhapuram Registration Office,
Radhapuram,
Tirunelveli District.



W.P.(MD)No.19689 of 2020

5.The Tahsildar,
Radhapuram Taluk,
Radhapuram,
Tirunelveli District.

6.Padma

7.Sivanaintha Perumal

8.Natarajan

9.Subbaiah

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned Partition Deed, vide Document No.4058 of 2020, dated 20.10.2020, and impugned Settlement Deed, vide Document Nos.4106, 4107 and 4109 of 2020, all dated 21.10.2020, stand in the name of the respondents 6 to 9, quash the same as illegal and consequently, direct the third respondent to remove the entries in respect of the impugned Partition Deed, vide Document No.4058 of 2020, dated 20.10.2020, and impugned Settlement Deed, vide Document Nos.4106, 4107 and 4109 of 2020, all dated 21.10.2020 from the Encumbrance Certificate in respect of the petitioner's Patta Property in Survey No.500/1A, within the time stipulated by this Court.

For Petitioner : Mr.P.M.Vishnuvarthanan

For R1 to R3 and R5 : Ms.D.Farjana Ghoushia
Special Government Pleader

For R4 : No Appearance

For R6 to R9 : Mr.D.Nallathambi



W.P.(MD)No.19689 of 2020

ORDER

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This Writ Petition has been filed challenging the partition deed, dated 20.10.2020, registered as Document No.4058 of 2020 and the settlement deeds, dated 21.10.2020, registered as Document Nos.4106, 4107 and 4109 of 2020.

2. Heard the learned counsel appearing on behalf of the petitioner, the learned Special Government Pleader appearing on behalf of the respondents 1 to 3 and 5 and the learned counsel appearing on behalf of the respondents 6 to 9.

3. Taking into consideration the nature of grievance that has been expressed by the petitioner, this Court is not inclined to exercise its jurisdiction under Article 226 of the Constitution of India to cancel the documents. According to the petitioner, the respondents 6 to 9 did not have any right over the property in Survey No.500/1A and in spite of the same, they dealt with that property in the partition deed and the settlement deeds. This issue can always be agitated before the District Registrar.



W.P.(MD)No.19689 of 2020

4. The District Registrar was vested with the power under Section 77-A of the Registration Act, 1908. This power has been kept in abeyance by the Inspector General of Registration through Circular No.3/2023, dated 29.09.2023. The issue is now pending before the Division Bench of this Court and as and when this power is revived, it will be left open to the petitioner to file an application before the District Registrar, seeking for the cancellation of the documents and in such an event, the District Registrar shall issue notice to both the petitioner as well as the respondents 6 to 9 and afford them opportunity and pass orders, preferably within a period of three months.

5. This Writ Petition is disposed of in the above terms. No costs. Consequently, connected Miscellaneous Petitions are closed.

NCC : Yes/No
Index : Yes/No
smn2

14.12.2023

To

1. The State of Tamil Nadu,
Inspector General of Registration,
Santhome High Road, Chennai.

4/6



W.P.(MD)No.19689 of 2020

2.The District Registrar,
Tirunelveli District Registration Office,
Tirunelveli,
Tirunelveli District.

3.The Sub Registrar,
Radhapuram Registration Office,
Radhapuram,
Tirunelveli District.

4.The Tahsildar,
Radhapuram Taluk,
Radhapuram,
Tirunelveli District.



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W.P.(MD)No.19689 of 2020

N.ANAND VENKATESH, J.

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W.P.(MD)No.19689 of 2020

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