



W.P.(MD)No.19643 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 09.10.2023

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**THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH**

W.P.(MD)No.19643 of 2020

T.Samuvelraj

.. Petitioner

Versus

1.The Inspector General of Registration,  
No.100, Santhome High Road,  
Pattinampakkam, Chennai - 600 028.

2.The District Collector,  
Tenkasi District, Tenkasi.

3.The District Registration Officer,  
District Registration Office,  
No.57, RDO Complex,  
Railway Peter Road,  
New Bus Stand Near,  
Tenkasi District.

4.The Sub Registrar Officer,  
Sub Register Office,  
Alangulam Taluk,  
Tenkasi District.

5.Ammiyadiyan, S/o.Shanmuga Nadar

.. Respondents

**Prayer:-** Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 to 4 to cancel the deed document in the petitioner's hereditary property, vide

<https://www.mhc.tri.gov.in/india> Document No.4432/2019, dated 26.08.2019 at Alangulam Village, Alangulam



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Taluk, Tenkasi District, and appropriate action taken to the fifth respondent is acting with the intention of expropriating his hereditary property based on his representation made to the respondents 1 to 4 through registered post and in person on 30.11.2020, within the time limit that may be stipulated by this Court.

For Petitioner : Mr.Ganeshkamu

For R1 to R4 : Ms.D.Farjana Ghoushia  
Special Government Pleader

### **ORDER**

This Writ Petition has been filed for issuance of Writ of Mandamus, directing the respondents 1 to 4 to cancel the gift deed executed by the fifth respondent, registered as Document No.4432 of 2019, dated 26.08.2019.

2. Heard Mr.Ganeshkamu, learned counsel for the petitioner and Ms.D.Farjana Ghoushia, learned Special Government Pleader for the respondents 1 to 4.

3. The petitioner is claiming hereditary right over the subject property. According to the petitioner, the Patta was granted in favour of the fifth respondent and based on the same, the fifth respondent had executed a gift settlement deed in favour of his brother on 26.08.2019, bearing Document No. 4432 of 2019. Therefore, according to the petitioner, the fifth respondent has grabbed the property belonging to him.



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4. In the considered view of this Court, the ground that has been raised by the petitioner cannot be dealt with by the registration authority. If the petitioner has hereditary right over the property, it should be established only before the concerned Civil Court. That apart, the Patta that was granted in favour of the fifth respondent has also not been cancelled till date. Hence, liberty is given to the petitioner to work out his remedy before the competent Civil Court and proceed further in accordance with law.

5. This Writ Petition is disposed of in the above terms. No costs.

NCC : Yes/No

09.10.2023

Index : Yes/No

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To

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**N.ANAND VENKATESH, J.**

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