



W.P.(MD)No.18912 of 2016

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :11.01.2023

CORAM

THE HONOURABLE MR.JUSTICE K. KUMARESH BABU

W.P.(MD)No.18912 of 2016

J.Berjin Jebakumar

Vs.

... Petitioner

1.The Inspector General of Registration,
O/o.The Inspector General of Registration,
Chennai 600028.

2.The District Registrar,
Kanyakumari District,
Kanyakumari.

3.The Sub Registrar,
O/o.Sub Registrar,
Verkilambi Sub Registrar Office,
Verkilambi, Kanyakumari District.

4.P.Appadurai

5.Mary Christinal

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to direct the respondent Nos.1 to 3 cancel the fraudulent settlement deed registered in document No.2316 of 2014 dated 08.12.2014 on the file of the 3rd respondent and initiate



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appropriate action in the light of Circular No.67 dated 03.01.2011 within the time frame stipulated by this Court.

For Petitioner :Mr.S.Rajasekar

For Respondents :Mr.S.Shanmugavel
Additional Government Pleader for R1 to R3
:Mr.C.Kishore for R4 & R5

ORDER

The writ petition has been filed seeking for a mandamus to direct the respondents 1 to 3 to cancel the fraudulent settlement deed registered in document No.2316 of 2014 dated 08.12.2014, on the file of the 3rd respondent herein and initiate appropriate action in the light of the Circular No.67 dated 03.01.2011.

2.The mandamus has been sought for to dispose of the representation, in the light of Circular No.67. The said circular has been held to be invalid and has been struck down by the Hon'ble Apex Court. Thereafter, the State of Tamil Nadu by way of amendments inserted Section 77(A) in the Registration Act, empowering the District Registrars to deal with the claim of fraudulent registrations.



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3.The learned counsel for the 4th and 5th respondents would submit that the beneficiary of the settlement, namely the 5th respondent herein, had instituted a suit in O.S.No.178 of 2016, on the file of the District Munsif Court, Padhmanathapuram and the petitioner herein is the 4th defendant in the said suit. The said suit has been filed on the strength of the settlement deed executed in her favour by the 4th respondent herein.

4.In view that the pendency of the said suit, it is always open to the petitioner to assail validity of such a settlement deed before the appropriate civil Court. Hence, the mandamus as prayed for, even in the light of the subsequent amendment to the Registration Act, need not be issued for the present. After the disposal of the suit, it is open to the petitioner to approach the appropriate authority. Since the civil Court has already seized of the matter with regard to the validity of a settlement deed that is sought to be cancelled by the petitioner, the result in the said suit will give a quietus to the issue.



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5.In view of the aforesaid observations, this writ petition stands disposed of. No costs.

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Index : Yes / No
Speaking Order/Non Speaking Order
sbm

To

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- 2.The District Registrar,
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Kanyakumari.
- 3.The Sub Registrar,
Verkilambi Sub Registrar Office,
Verkilambi, Kanyakumari District.



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K.KUMARESH BABU, J.

sbn

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