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W.P.(MD)NO.27558 OF 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.01.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.27558 of 2022 and
W.M.P.(MD)No.21656 of 2022

Kanagamani

... Petitioner

Vs.

1. The Deputy Inspector General of Registration,
Tirunelveli Zone,
Tirunelveli.
2. The District Registrar,
Tenkasi District,
Tenkasi.
3. The Sub Registrar,
Uthumalai Sub Registration Office,
Tenkasi District.
4. Govindharaj
5. Sivakumar

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 1st respondent vide Na.Ka. No.454/Thab/2020 dated 24.12.2021 and to quash the same as illegal and consequently direct the 1st respondent to conduct fresh enquiry.



For Petitioner : Mr.R.Chandrasubramanian

For R-1 to R-3 : Mr.N.Satheesh Kumar,
Additional Government Pleader.

For R-4 : Mr.M.Gurudas

For R-5 : No appearance.

* * *

ORDER

Heard the learned counsel on either side.

2. The petitioner is the daughter of one Kadarkaraiyandi. He was blessed with five daughters. The fourth respondent is the husband of one of the daughters. The fifth respondent is the son of the fourth respondent.

3. It is seen that the petitioner's father executed a deed of settlement in favour of the writ petitioner and her sister Chinnamani on 28.05.2008. This document was sought to be rectified vide document Nos.1399 of 2020 and 1400 of 2020 registered on the file of the third respondent. Seeking endorsement that these two documents are fraudulent,



respondents 4 and 5 lodged a complaint before the second respondent. The second respondent accepted the case of the complainants and granted the relief as sought for. Aggrieved by the same, the petitioner filed an appeal before the first respondent. By the impugned order dated 24.12.2021, the order of the second respondent was confirmed. Challenging the same, the present writ petition came to be filed.

4. Neither the first respondent nor the second respondent could have gone into the issue of title. Any finding on the *inter-se* claims of the parties made by the respondents 1 and 2 stands vacated. The parties will have to necessarily move the jurisdictional civil Court for relief. At the same time, I decline to interfere with the impugned order since the rectification deed can be executed only by the parties to the document. Admittedly, the document Nos.1016 and 1017 of 2008 was executed by Kadarkaraiyandi in favour of the writ petitioner and her sister. Since the executant Kadarkaraiyandi passed away, those two settlement deeds of the year 2008 could not have been tinkered at all. The legal heirs are not competent to execute the rectification deed. That apart, as



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To:

1. The Deputy Inspector General of Registration,
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Tirunelveli.
2. The District Registrar,
Tenkasi District,
Tenkasi.
3. The Sub Registrar,
Uthumalai Sub Registration Office,
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G.R.SWAMINATHAN,J.

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