



W.P.No.15286 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 25..06..2024

Coram

THE HON'BLE MR JUSTICE N.SATHISH KUMAR

Writ Petition No.15286 of 2021
and
W.M.P.Nos.16171 & 16173 of 2021

Raj Kumar Menon
S/o Late K.T.B.Menon
Rep. By his Power Agent
N.Balakrishnan

..... Petitioner

-Versus-

1.The Inspector General of Registration,
100, Santhome High Road,
Raja Annamalai Puram,
Chennai 600 028.

2.The District Registrar,
Chenglepet, Tamil Nadu.

3.The Sub-Registrar,
29, South Mada Street,
Thiruporur-603110.

4.A.Kumaran

..... Respondents

Petition filed under Article 226 of The Constitution of India, praying to issue a Writ of Certiorari Mandamus calling for the records of the 2nd respondent pertaining to the impugned settlement deed dated 23.07.2014 registered as Document No.10612 of 2014 on the file of SRO, Tiruporur,



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executed by late C.T.S.Arasu in favour of one A.Kumaran, the 4th respondent herein and to quash the same and consequently direct the 3rd respondent to remove the entry in respect of settlement deed dated 23.07.2014 registered as Document No.10612 of 2014 from their records in accordance with law.

For Petitioner : Mr.Niranjana Rajagopalan

*For Respondent (s) : Mr.Yogesh Kannadasan,
Special Government Pleader
for RR1 to 3
Mrs.R.Ramya for R4*

ORDER

This writ petition challenges the registration of settlement deed dated 23.07.2014 registered as Document No.10612 of 2014 on the file of SRO, Tiruporur, executed by late C.T.S.Arasu in favour of one A.Kumaran, the 4th respondent and seeks a consequential direction to the 3rd respondent to remove the entry in respect of the settlement deed dated 23.07.2014 registered as Document No.10612 of 2014 in the registers maintained by the office of the SRO, Tiruporur.

2. It is the case of the petitioner that his wife was the absolute owner of the property comprised in S.No.109/1A, Tiruporur Village which she had purchased through a court auction held in 1995. In 2014, C.T.S.Arasu, who had challenged the court auction sale and failed in the proceedings had settled the property in favour of his son, the 4th respondent herein. According to the



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petitioner, the entire transaction is fraudulent one and it has to be cancelled. The grievance of the petitioner is that despite representations to the respondents 1 and 2 to cancel the settlement deed in question and not to register any document based on such settlement and mortgage deed dated 13420 of 2014, no action was taken by the respondents 1 and 2. Hence, this writ petition.

3. Heard both sides.

4. The crux of the allegation as raised by the petitioner is that after the court auction sale, C.T.S.Arasu had no title over the property and despite the same, he had settled the subject property in favour of his son.

5. The learned counsel for the petitioner would submit that since C.T.S.Arasu had lost title to the property after the court auction sale, he ought not to have dealt with the property and therefore the entire transaction in respect of the property is nothing but a fraudulent one.

6. The learned counsel appearing for the 4th respondent vehemently opposed the writ petition.

7. Be that as it may, this court is of the view that no positive direction as sought for in the writ petition could be granted for the simple reason that court auction was held in 1995. Whether it was enforced and possession was taken pursuant to the court auction sale within the time limit provided under the



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Limitation Act, 1963 have to be gone into on proper evidence. That apart, whether any suit was filed for recovery of possession within the limitation period of twelve years also to be gone into on proper evidence. Therefore, without establishing those facts merely on the basis of some documents executed after twenty years of court auction sale in the form of settlement, the petitioner cannot challenge the settlement deed nor seek a direction to the respondents 1 and 2 to cancel the settlement deed in question. It is, however well open to the petitioner to establish his right and title to the subject property before the civil court having jurisdiction in the manner known to law.

In the result, the writ petition is dismissed with the above observations.

No costs. Consequently, connected WMPs are closed.

Index : yes / no
Neutral Citation : yes / no
Speaking / Non Speaking Order
kmk

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To

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