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WP.No.12373 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.12373 of 2022
and W.M.P.Nos.11830 & 11833 of 2022

1.Ramathal
2.N.Ambiga
3.V.Valarmathi
4.S.Kalaivani

.. Petitioners

Versus

1.The Inspector General of Registration
Government of Tamil Nadu
No.120, Santhome High Road
Chennai

2.The District Registrar
District Registration Office
Chintamani Pudur, Singanallur
Coimbatore, Coimbatore District

3.The Sub Registrar
Madukarai Sub Registrar Office
Coimbatore

4.Santhalingam
5.Jayachandran

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records relating to the impugned order dated 26.04.2022 in En.11316/Aa1/2021 issued by the 2nd respondent and to quash the same.



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For Petitioner : Mr.A.K.Jayaraj
For Respondent : Mr.P.Anandhakumar for R1 to R3
Government Advocate
Mr.K.Venkatasubban
for M/s.Sarvabhauman Associates
for R4 & R5

ORDER

Challenging the order passed by the second respondent cancelling the partition deed entered by the petitioner among the family members. The cancellation order is passed mainly on the ground that the parties have no title over the property.

2. Heard both sides and perused the materials placed on record.

3. Though I am also in agreement with the learned counsel for the petitioner that the registering authorities have no power to go into the cancellation of the documents except the document registered contrary to Sections 22-A or 22-B of the Registration Act, the fact remains that in this case the partition deed has been registered as if the petitioners have title to the property, in fact, they have filed a suit for declaration and injunction in O.S.No.1512/1997 on the file of District Munsif Court, Coimbatore, which was dismissed on 03.01.2005. Against which, Appeal was filed in A.S.No.82



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of 2005 which was also dismissed on 29.09.2005. Further, appeal in S.A.No.1509 of 2004 is also dismissed on 29.04.2022 and a Special Leave Petition is also filed in S.L.P.13186 of 2022 that was also dismissed by the Hon'ble Supreme Court on 12.12.2022.

4. Such view of the matter, when the petitioners have no title to the property and entering into a partition deed, that document will not create any right in favour of the petitioners or to the parties in the document. Therefore, though the registering authorities are not empowered to cancel the document other than the document registered contrary to Sections 22-A or 22-B of the Registration Act, considering the nature of the very facts of the present case, now interfering with the order of the registering authorities will not serve any purpose, since the writ petitioner do have have any title to the property.

5. In view of the above, this writ petition stands dismissed. Consequently, connected miscellaneous petitions stand closed. No costs.

18.04.2024

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Index : Yes/No

Internet : Yes/No

Neutral Citation : Yes/No

<https://www.mhc.tn.gov.in/judis>



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N. SATHISH KUMAR, J.

dhk

To

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18.04.2024
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