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WP.No.15233 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.15233 of 2024

S.Vasantha

.. Petitioner

Versus

1. The Inspector General of Registration,
No.100, Santhome High Road,
Pattinapakkam, Chennai – 600 028.
2. The District Registrar,
Head Registrar Office, Orikkai,
Kanchipuram – 631 501, Kanchipuram District.
3. The Sub Registrar,
Walajabad Sub Registrar Office, Walajabad Town,
Walajabad Taluk, Kanchipuram District – 631 601.
4. The Sub Registrar,
Sungavarchatram Sub Registrar Office, Sunuvarchatram,
Sriperumbudur Taluk, Kanchipuram District 631 601.
5. Muniammal
6. C.Mani
7. M.Saraswathi
8. M.Sathiya
9. Saranya

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Mandamus directing the second respondent to

<https://www.mhc.tn.gov.in/judis/> consider the petitioner's representation dated 07.03.2024 to pass an order for



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cancellation of the Settlement deed executed by the fifth respondent in favour of the sixth respondent registered in Document No. 4725/2008 on the file of the 3rd respondents Sub Registrar Office and the settlement deed executed by the sixth respondent in favour of the respondents 7 to 9 registered in Document No. 3411/2021 on the file of the 4th respondents Sub Registrar Office.

For Petitioner : Mr.R.Anbalagan

For Respondents : Mr.L.S.M.Hasan Fizal
Additional Government Pleader – R1 to R4

ORDER

Since no adverse Order is passed against the respondents 5 to 9, notice to them is dispensed with. With the consent of both sides, this Writ Petition is taken up for final disposal at the admission stage itself.

2. This writ petition is filed to direct the second respondent to consider the representation of the petitioner dated 07.03.2024 to pass an order for cancellation of the Settlement deed executed by the fifth respondent in favour of the sixth respondent registered in Document No. 4725/2008 on the file of the third respondent Sub Registrar Office and the settlement deed executed by the sixth respondent in favour of the respondents 7 to 9 registered in



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Document No. 3411/2021 on the file of the fourth respondent Sub Registrar
Office.

3. Heard learned counsel for the petitioner and the learned Additional Government Pleader appearing for the first and second respondents and perused the materials available on record.

4. The case of the petitioner is that the subject property has been originally purchased by the petitioner's father in the year 1962. However, the said property has been settled in favour of the brother of the petitioner's father. Based on the above document, subsequent documents have been created in favour of his children. Therefore, it is the contention of the petitioner that those documents have to be cancelled. In this regard, the petitioner has given a representation to the respondents 1 to 4. But the same has not been considered by them. Hence, the present Writ Petition.

5. I have perused entire documents. The settlement deed has been executed in favour of the uncle of the petitioner in the year 2008. The same clearly indicate that there is an oral partition among the petitioner's father and his brother, which is also reduced in a kurchit. Based on that, the documents



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came to be executed. Such being the position, it is for the petitioner to establish his right in a competent Civil Court. Further, there is no forgery involved in execution of the document. In such view of the matter, the registering authority have no power to invoke power under section 77A of the Registration Act. It is open to the petitioner to seek his remedy as per law. Hence, I do not find any merits in this Writ Petition.

6. Accordingly, this Writ Petition is dismissed. No costs.

14.06.2024

vrc

Index : Yes/No

Internet : Yes/No

Neutral Citation : Yes/No

To,

1. The Inspector General of Registration,
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2. The District Registrar,
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N. SATHISH KUMAR, J.

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