



W.P.No.20444 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2024

CORAM

THE HONOURABLE Mr.JUSTICE N.SATHISH KUMAR

W.P.No.20444 of 2024

1.Padmavathi
2.Revathi
3.Rajeshwari
4.L.Raghu
5.Prema Kumari
6.R.Kruthivarma
7.R.Bhuvaneshwari
Rep.by their power of attorney
U.Manjunatha

.. Petitioners

Vs

1.The District Registrar
District Registration Office
Krishnagiri

2.The Sub Registrar
Sub Registration Office
Hosur

3.Tahsildar
Taluk Office, Hosur

4.Hemalatha

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus calling directing the 1st respondent to pass necessary orders on the petitioner's representation dated 22.05.2024 to cancel the settlement deed document No.2251/2024.



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For Petitioners : Mr.K.Sathiyabal
For RR 1 to 3 : Mr.M.Shajahan
Special Government Pleader

ORDER

With the consent of both sides, the Writ Petition is taken up for final disposal at the admission stage itself.

2. This writ petition has been filed for a direction to the 1st respondent to pass necessary orders on the petitioners representation dated 22.05.2024.

3. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents 1 to 3 and perused the materials available on record.

4. According to the petitioners, one Jayamma, who is the mother/grandmother of the petitioners, in respect of the property belong to her, executed a will dated 28.12.1999 in favour of her children viz., Moorthy, Rajeshwari and Raghu on 28.12.1999 and they have been in continuous possession and enjoyment of the property. While so, the 4th respondent, claims right over the said property, based on the settlement deed dated 06.02.2024.



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In this regard, a representation was submitted to the 1st respondent on 22.05.2024 and since no action has been taken on the said representation by the 1st respondent, the present writ petition has been filed.

5. This Court is of the view that the remedy of the petitioners is not before the Sub Registrar or the District Registrar and they have to approach the civil Court. Further, there is no forgery whatsoever involved in this case to attract Section 77-A of the Registration Act, 1908. Merely a person believing to be the owner of a property and executing certain document, that will not amount to forgery (See *Mohammed Ibrahim Vs. State of Bihar and Another* [(2009)8 SCC 751]).

6. In such view of the matter, it is for the petitioners to work out their remedy by filing an appropriate suit and in the event of establishing their rights over the property before the Civil Court, any transaction made by the 4th respondent, will become void automatically.

With the above observation, this writ petition stands dismissed.

No costs.

gya

Index : Yes/No

Neutral Citation : Yes/No

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N.SATHISH KUMAR, J.

gya

WEB COPY

To

1.The District Registrar
District Registration Office
Krishnagiri

2.The Sub Registrar
Sub Registration Office
Hosur

3.Tahsildar
Taluk Office, Hosur

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