



W.P. No.18977 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.18977 of 2024 and
W.M.P. No.20834 of 2024

M.Rajesh Kanna

... Petitioner

Vs

1. Inspector General of Registration
No.100, Santhome High Road
R.A. Puram, Chennai - 600 028

2. The District Registrar
Perambalur District Registrar Office
No.106H, Venkatesapuram, Perambalur Post
Perambalur - 621 212

3. The Sub Registrar
Joint 1, Sub Registrar Office, Perambalur

4. Balasubramanian

5. Mrs.P.Angamuthu

6. Mrs.S.Sivakami

7. Mrs.K.Jothi

8. Mrs.K.Sulochana

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus to cancel the Sale Deed No.5030/2022 dated 08.08.2022 registered at the office of the 3rd respondent herein and consequently direct the 3rd respondent to delete the entries that reflects the aforesaid document from the 'A' Register maintained by the 3rd respondent herein.

For Petitioner : Mr.V.Arunagiri

For Respondents : Mr.M.Shajahan,
Spl. Govt. Pleader for R1 to R3

ORDER

This writ petition is filed for a direction to cancel the Sale Deed No.5030/2022 dated 08.08.2022 registered on the file of the 3rd respondent herein and consequently for a direction to the 3rd respondent to delete the entries that reflects the aforesaid document from the 'A' Register maintained by the 3rd respondent herein.

2. It is the case of the writ petitioner that the property was originally purchased by petitioner's grandfather. He died on 26.12.1987. Petitioner's grandfather has made a family arrangement on 27.04.1987, wherein life interest



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alone has been given to the sixth respondent. After that, it has to go to his sons.

However, the sixth respondent along with respondents 7 and 8 has sold the property in favour of respondents 4 and 5. Therefore, the petitioner seeks a direction to cancel the sale deed.

3. Heard both sides and perused the entire materials available on record.

4. At the outset, this court is of the view that whether the family arrangement is valid or not, it has to be seen only in the civil court. A copy of the family arrangement annexed with the typed set of papers would show that it is only a partition in presenti. Such being the position, it cannot be given any effect, unless it is registered. Even assuming that any life interest has been given, it has to be seen whether such interest has been created in lieu of her maintenance. In that case, the sixth respondent has also become absolute owner. A life estate will automatically enlarge into absolute estate as per Section 14 of the Hindu Succession Act. These are all the matters of evidence before the civil court. As a matter of right, one cannot give a representation to the Sub Registrar to decide all these things. Hence I do not find any merit in the



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itself.

writ petition and the same deserves to be dismissed at the stage of admission

5. Accordingly, the writ petition is dismissed. However, there is no order as to costs. Consequently, the connected writ miscellaneous petition is closed.

16.07.2024

Asr

Index : Yes/No

Neutral Citation : Yes/No

To

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3. The Sub Registrar

Joint 1, Sub Registrar Office, Perambalur

4. The Government Pleader,

High Court,

Madras



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N.SATHISH KUMAR, J.

Asr

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