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W.P. No.28469 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.28469 of 2021 and
W.M.P. No.30063 of 2021

1.Mrs.P.Pushpamma (Died on 23.11.2021)

2.P.Somasundaram

3.P.Damodaram

... Petitioners

(Petitioners 2 and 3 substituted vide order dated
11.07.2024 made in W.M.P. No.21403/2022)

Vs

1.Inspector General of Registration
No.100, Santhome High Road
Raja Annamalaipuram, Chennai - 600 028

2.The District Registrar
District Registrar Office
Chennai North, Chennai - 600 108

3.The Sub Registrar
Sub Registrar Office
Gummidipoondi - 601 201

4.The Revenue Divisional Officer
Revenue Division Office
Ponneri, Thiruvallur District - 601 2024



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5.The Tahsildar
Gummidipoondi Taluk
Gummidipoondi, Thiruvallur District - 601 201

6.P.Ramarathinam

7.Mrs.G.V.Girija

8.Mrs.P.Geetha ... Respondents

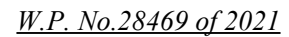
Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the 2nd respondent herein to consider the representation of the petitioner dated 21.06.2019 to cancel two settlement deeds registered vide Document Nos.2231 of 2019 and 2372 of 2019 both dated 29.05.2019, before the S.R.O. Gummidipoondi, the 3rd respondent herein within a time to be stipulated by this court.

For Petitioners : Mr.V.Ramanareddy

For Respondent : Mr.P.Anandhakumar,
Govt. Advocate for R1 to R5
Mr.K.Chandru, for R7 and R8
No Appearance for R6

ORDER

This writ petition has been filed to cancel two settlement deeds registered vide Document Nos.2231 of 2019 and 2372 of 2019, both dated 29.05.2019, before the S.R.O. Gummidipoondi.



3. However, when the matter stood thus, another Will was executed by the mother-in-law of the first petitioner in favour of his second son Ramarathinam, namely the 6th respondent. Pursuant to the said will, Ramarathinam had executed two settlement deeds in favour of his daughters, namely respondents 7 and 8 vide Document Nos.2231 of 2019 and 2372 of 2019, both dated 29.05.2019. Therefore, it is the contention of the petitioners that those documents are fraudulent documents and the same have to be cancelled.

4. On perusal of the entire affidavit filed in support of the writ petition, this court is of the view that the writ petition has been filed on a misconceived



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notion. The parties are trying to establish their rights on the basis of the alleged Wills executed by the family members. All the disputed facts have to be established in the manner known to law before the appropriate forum. As long as there is no forgery or whatsoever involved in the execution of the documents, the registering authority cannot be directed to cancel the documents. Let the parties may work out their remedy in the civil court. Accordingly, I do not find any merit in the above writ petition and the same deserves to be dismissed.

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

10.07.2024

Index : Yes / No
Neutral Citation : Yes / No
Asr

To

1. Inspector General of Registration
No.100, Santhome High Road
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6. The Government Pleader
High Court, Madras



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N.SATHISH KUMAR, J.

Asr

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