



WEB COPY



W.P.No.25812 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2024

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.25812 of 2024

V.Palani

...Petitioner

Vs.

1.The District Registrar
Office of the District Registrar
57/4, Kacherry Road
Gopuram Complex
Kallakurichi District 606 202.

2.The Sub-Registrar
Office of the Registrar
Arulampadi Road
Vadaponparappi-
Vanapuram Taluk
Kallakurichi District 605 702.

3.Kannan

4.Pazhaniammal

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for
issuance of a Writ of Certiorarified Mandamus, calling for the records of the



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second respondent pertaining to the settlement deed dated 08.08.2022 vide Document No.2286 of 2022 executed by the third respondent in favour of the fourth respondent and quash the same as illegal and subsequently direct the second respondent to remove all the entities pertaining to the settlement deed dated 08.08.2024.

For Petitioner : Mr.K.M.Anand

For Respondents : Mr.T.Chezhiyan for R1 & R2
Special Government Pleader

ORDER

The Writ Petition is filed seeking issue of Writ of Certiorarified Mandamus, calling for the records of the second respondent pertains to the settlement deed dated 08.08.2022 registered as Doc.No.2286/2022 on the file of the second respondent.

2. It is the case of the petitioner that the property covered by the above mentioned document originally belonged to estate of one Vaithialingam. The petitioner and four other persons including the third respondent are the



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legal heirs of Vaithialingam. It is the specific case of the petitioner that after death of Vaithialingam his legal heirs orally partitioned the properties and the subject property was allotted to the petitioner. The petitioner also obtained online patta in his name. He executed a settlement deed on 26.07.2022 settling the above mentioned subject property in favour of his sons. It is further stated that the third respondent without having any right over the property executed a settlement deed regarding the subject property in favour of the fourth respondent. Therefore, the petitioner has come by way of this Writ Petition, seeking quashing of settlement registered with 2nd respondent.

3. Even as per the admitted case of the petitioner, the subject property originally belonged to one Vaithialingam. The petitioner herein and the third respondent are his sons. The petitioner claims exclusive right of the property based on the oral partition among the legal heirs of Vaithialingam. This Court in writ jurisdiction cannot go into the question of oral partition and allotment of subject property exclusively in favour of the petitioner which requires evidence. Therefore, this Court is not inclined to entertain the Writ Petition seeking cancellation of the settlement deed executed by the third respondent in favour of the fourth respondent.



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

However, it is open to the petitioner to workout his remedy before the Civil Court.

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Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
dna

To

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S.SOUNTHAR, J.
dna

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