



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.25187 of 2021

N.Karuppannan @ N.KaruppaGounden ...

Petitioner

versus

1.The District Registrar,
O/o. District Registrar Office,
Rangampalayam,
Erode-9.

2.The Sub Registrar,
Ammapettai SRO,
Anthiyur Taluk,
Erode District – 638 311

3.Suseelamani @ Marayal

4.Sivamani @ Sivakami

5.S.Rangasamy

6.S.Maragatham

7.V.KasiappaGounder ...

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 1st respondent to cancel the registration of the disputed partition deed dated 02.11.2021



(Doc.No.3100/2021) presented by the respondents 3 to 7 unmindful of the interim stay order dated 11.10.2018 made in CMP.No.18064 of 2018 in A.S.No.661 of 2018 passed by the Hon'ble Division Bench, by considering the petitioner's representation dated 20.11.2021.

For Petitioner : Mr.N.Manoharan
For Respondents : Mr.B.Vijay for R1 and R2
Additional Government Pleader
Mr.E.P.Senniyangiri for R3 to R6
Mr.A.Murugavel for R7

ORDER

This Writ Petition is filed to direct the 1st respondent to cancel the registration of the disputed partition deed dated 02.11.2021 (Doc.No.3100/2021) presented by the respondents 3 to 7 unmindful of the interim stay order dated 11.10.2018 made in CMP.No.18064 of 2018 in A.S.No.661 of 2018 passed by the Hon'ble Division Bench, by considering the petitioner's representation dated 20.11.2021.

2. It is the case of the petitioner that the petitioner's father executed a settlement deed in favour of the petitioner dated 29.08.2013. Thereafter, on the instructions of the sister namely the private respondents 3 to 5, the writ petitioner's father had filed a suit in O.S.No.1 of 2016 to cancel the settlement deed. The said suit has been decreed on 05.10.2018. However,



the said decree and judgment has been followed by the Division Bench of this Court and had granted interim stay in CMP.No.18064 of 2018 in A.S.No.661 of 2018 vide order dated 11.10.2018. According to the writ petitioner, even before the period for filing the appeal is expired, the decree and judgment of the Trial Court in O.S.No.1 of 2017 sought to be registered which was objected by the petitioner by giving protest petition. However, the protest petition has not been considered. Now, based on the decree and judgment, partition deed has been entered between the private respondents. Therefore, the petitioner seeks a direction to cancel the document.

3. At the outset, this Court is of the view that mere prayer to cancel the document cannot be sustained in the eye of law for the simple reason that there is no forgery in the document and the rights of the parties will always subject to the result of the first appeal pending before this Court. In fine, if the petitioner succeeds in appeal and settlement deed in his favour is validated by the Court, then automatically any transaction entered by the private respondents will not derive any title. Such being the position, the registering authority cannot be directed to enquire those issues.



4. With the above observation, this Writ petition is dismissed.

No costs.

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Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

msv

1.The District Collector,
Nagapattinam District.

2.The Special Officer cum
District Revenue Officer
Office of District Revenue Officer,
Nagapattinam, Nagapattinam District.

3.The Tahsildar,
Vedaranyam Taluk,
Nagapattinam District.



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N.SATHISH KUMAR, J.

msv

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