



WEB COPY



W.P.No.25203 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2024

CORAM

THE HON'BLE **MS.JUSTICE P.T.ASHA**

W.P.No.25203 of 2024

K.Muniyeswari

... Petitioner

Vs.

1. The Inspector General of Registration,
Santhome High Road,
Chennai – 600 004.

2. The District Registrar, (Administration),
District Registrar Office,
Chennai North,
Chennai – 104.

3. The Sub Registrar,
Sub Registration Office,
Thiruvettriur,
Chennai.

4. K.Kalidas Pandian

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the Impugned Order having reference Letter No.1301/A5/2022 dated 18.08.2023 on the file of the 2nd Respondent and quash the same and subsequently direct the 3rd Respondent to remove entries related to the alleged



W.P.No.25203 of 2024

fraudulent document from the encumbrance registrar at the Thiruvettriur Sub Registrar's Office.

For Petitioner : Mr.N.Gokula Rao
For Respondents :
For R1 to R3 : Mr.P.Harish
Government Advocate
For R4 : Mr.S.Thirukumaran

ORDER

This Writ Petition has been filed for a Certiorarified Mandamus to call for the records pertaining to the Impugned Order having reference Letter No.1301/A5/2022 dated 18.08.2023 on the file of the 2nd Respondent and quash the same and subsequently direct the 3rd Respondent to remove entries related to the alleged fraudulent document from the encumbrance registrar at the Thiruvettriur Sub Registrar's Office.

2. The case of the Petitioner is that the Petitioner's father namely Kuppuswamy has purchased a property comprised in Survey No.61 part, Plot No.3945, MMDA, Mathur, Chennai – 600 068, measuring an extent of 429 sq.ft. The said property was transferred in favour of the Petitioner by way of a Settlement Deed under a registered Document No.4181 of 2020 dated 02.09.2020 on the file of SRO, Thiruvottiur, Chennai. After the demise of



W.P.No.25203 of 2024

the Petitioner's father, the 4th Respondent namely the Petitioner's brother had forcefully tried to grab the said property and further raised a complaint challenging the Settlement Deed dated 02.09.2020. Based on the complaint given by the 4th Respondent, the 2nd Respondent / The District Registrar has canceled the Settlement Deed dated 02.09.2020 vide its Impugned Order dated 18.08.2023 bearing Letter No.1301/A5/2022. Thereafter, the Petitioner has preferred an appeal before the 1st Respondent / The Inspector General of Registration on 18.07.2024 challenging the Impugned Order passed by the 2nd Respondent dated 18.08.2023, however the same was kept pending. Therefore, the Petitioner is constrained to move the present Writ Petition.

3. The cancellation has been made on the strength of the provisions of Section 77-A of the Registration Act.

4. Since the matter is covered by the orders of the Division Bench of this Court in ***M.Kathirvel and others vs. Inspector General of Registration – 2024 (4) CTC, 769***, this Court is not going into the facts of the case.

5. In the light of the Judgement passed by the Division Bench of this Court in ***M.Kathirvel and Others vs. Inspector General of Registration –***



W.P.No.25203 of 2024

2024 (4) CTC 769, the Impugned Order is set aside. Accordingly, the Writ

Petition is allowed. No costs.

11.11.2024

Index : Yes/No
Speaking/Non-speaking Order
Neutral Citation : Yes/No
rgm

To

1. The Inspector General of Registration,



W.P.No.25203 of 2024

Santhome High Road,
Chennai – 600 004.

WEB COPY

2. The District Registrar, (Administration),
District Registrar Office,
Chennai North,
Chennai – 104.
3. The Sub Registrar,
Sub Registration Office,
Thiruvettriur,
Chennai.

P.T.ASHA, J.

rgm



WEB COPY



W.P.No.25203 of 2024

W.P.No.25203 of 2024

11.11.2024