



WEB COPY



W.P.No.28646 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :01.10.2024

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.28646 of 2024

B.Neelambal

...Petitioner

Vs.

1. The Inspector General of Registration
Chennai.

2. The District Registrar
Tindivanam District Registrar Office,
Tindivanam.

3. The Sub-Registrar
Joint-II Sub-Registrar Office,
Tindivanam, Villupuram District.

5. B.Purushothaman

6. B.Elumalai

7.B.Natarajan

8. S.Gayathri

9. Ganga

10.K.C.R.Rabindranath Tagore

11.K.C.R.Devendranath Tagore

..Respondents



W.P.No.28646 of 2021.

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 3rd respondent pertaining to the partition deed dated on 10.4.1996 vide Doc.No.734/1996 on the file of 3rd respondent herein and quash the same and consequently directing the 3rd respondent to cancel the sale deed dated on 14.12.2017 vide Doc.No.2485/2017 on the file of 3rd respondent and consequently directing the 4th respondent to cancel the sale deed dated on 01.07.2002 vide Doc.No.726 of 2002 and subsequent sale deed dated on 6.8.2003 vide Doc.No.713/2003 on the file of 4th respondent.

For Petitioner : Mr.M.Dinesh

For Respondents 1 to 4 : Mr.M.Shahjahan
Special Government Pleader

ORDER

The writ petition is filed seeking cancellation of partition deed dated 10.04.1996 executed between the husband of the petitioner and her sons on the ground that the consent of the petitioner's deceased husband namely Balasundaram was obtained by fraud. The petitioner also seeks cancellation of subsequent sale deeds dated 14.12.2017 and 01.07.2002 executed by private respondents.

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2. Whether the consent of petitioner's husband was free or not, whether any fraud was employed to obtain his consent are all question of facts which requires leading of evidence. The said questions cannot be conveniently gone into by this Court in a writ petition. Therefore, this Court is not inclined to entertain the prayer of the petitioner and accordingly, the writ petition stands dismissed. However, it is open to the petitioner to work out his remedy before the Civil Court in the manner known to law. No costs.

01.10.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
nr

To
1.. The Inspector General of Registration
Chennai.

2. The District Registrar
Tindivanam District Registrar Office,
Tindivanam.

3. The Sub-Registrar
Joint-II Sub-Registrar Office,
Tindivanam, Villupuram District.

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S.SOUNTHAR, J.
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