



WEB COPY



W.P.No.32684 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2024

CORAM

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

W.P.No.32684 of 2024  
and  
W.M.P.No.35514 of 2024

K.Shanthi Sundaram

... Petitioner

Vs.

1. The Inspector General of Registration,  
No.120, Santhome High Road,  
Foreshore Estate,  
Chennai – 600 028.

2. The District Registrar,  
No.5/1, Durgaiammal Koil Street,  
Thiruvannamalai – 606 601.

3. The Sub-Registrar,  
Office of the Sub-Registrar,  
Kilpennathur Town and Taluk,  
Thiruvannamalai District – 606 604.

4. A.Mathivanan

... 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 of the 2<sup>nd</sup> Respondent Na.Ka.No.5124/ஆ1/2024 dated 18.10.2024 and quash the same and accordingly directing the 3<sup>rd</sup> Respondent do not register the documents pursuant to the Decree and Judgment in O.S.No.131 of 2009 dated 26.03.2014 on the file of Principal District Munsif, Thiruvannamalai.



WEB COPY



W.P.No.32684 of 2024

For Petitioner : M/s.A.Pramila

For Respondents : M/s.C.Meera Arumugam  
Additional Government Pleader

### **ORDER**

The above Writ Petition is filed for a Certiorarified Mandamus to call for the records of the 2<sup>nd</sup> Respondent in the proceedings bearing Na.Ka.No.5124/௨024 dated 18.10.2024 and quash the same and direct the 3<sup>rd</sup> Respondent not to register any document pursuant to the Judgment and Decree in O.S.No.131 of 2009 dated 26.03.2014 by the Principal District Munsif, Thiruvannamalai.

2. The learned counsel for the Petitioner would submit that the 4<sup>th</sup> Respondent's mother namely Gnanambal wife of Arimuthu has filed a Suit on the instigation of the 4<sup>th</sup> Respondent in O.S.No.131 of 2009 on the file of the Principal District Munsif, Thiruvannamalai to declare her life interest with regard to the suit property comprised in S.No.11/2 measuring 3.42 at Vedanaththam Village, Kilpennathur Taluk, Tiruvannamalai District on the basis of un-registered Will dated 29.04.1964 executed by her husband



W.P.No.32684 of 2024

Arimuthu.

WEB COPY 3. The learned counsel for the Petitioner would submit that in the said Suit, the said Gnanambal had suppressed the material facts that she along with her five sons which included the 4<sup>th</sup> Respondent had entered into a registered Partition Deed dated 26.05.1978, in which the suit property had been allotted to the 4<sup>th</sup> Respondent to an extent of 1.46 acres and to his brothers namely Swaminathan an extent of 1.46 acres and Arumugam to an extent of 0.50 cents.

4. The learned counsel for the Petitioner would submit that from the date of the partition, the parties have been enjoying their respective shares. The said Gnanambal had also settled the property allotted to her under Ex.A1, which is the A schedule in the Partition Deed in favour of her sons namely the 4<sup>th</sup> Respondent and Swaminathan under registered Settlement Deed dated 19.09.1994. Therefore, the Partition Deed entered into on 26.05.1978 had been acted upon. In view of the above context, the Will dated 29.04.1964 was therefore a rank forgery. The suit in O.S.No.131 of 2009 was decreed by Judgment and Decree dated 26.03.2014 recognizing Gnanambal's life interest over the suit property and the defendants 4 and 5 were restrained from



W.P.No.32684 of 2024

interfering with her possession and enjoyment of the property and from creating any kind of encumbrance from the property.

5. Aggrieved by the said Judgment, the Petitioner had filed appeal in A.S.No.21 of 2014 on the file of the Additional Sub-ordinate Judge, Tiruvannamalai.

6. After the property had been purchased by the Petitioner, the 4<sup>th</sup> Respondent had instigated his mother, Gnanambal to file a suit on the basis of this Will. The family arrangement and the subsequent deeds entered between the parties have been suppressed in this Suit O.S.No.341 of 2009. The Petitioner would submit that meanwhile suppressing the sale in favour of the Petitioner, the 4<sup>th</sup> Respondent had filed W.P.No.24888 of 2022 with the sole intent of grabbing the properties.

7. The Writ was disposed of on 16.11.2023 directing the 3<sup>rd</sup> Respondent to consider and pass orders on the Petitioner's representation dated 15.11.2022. Since the appeal made by the 4<sup>th</sup> Respondent was not disposed of, he had filed W.P.No.20512 of 2024 seeking an early disposal. It is also submitted that the Petitioner had filed an objection Petition to the 2<sup>nd</sup>



W.P.No.32684 of 2024

Respondent on 23.08.2024. The 2<sup>nd</sup> Respondent rejected the petitioners objection dated 23.08.2023. Aggrieved by the same, the Petitioner is before this Court.

8. The arguments made by the learned counsel for the Petitioner was that Gnanambal was no more and therefore, a Decree to declare her life interest had come to an end. However, these arguments cannot be taken at its face value since the Court below has also questioned the subsequent documents which has been executed including the sale in favour of the Petitioner. The Petitioner has also challenged the same before the Subordinate Court. Therefore, there appears to be a dispute with reference to the title which has to be considered and orders to be passed by the Civil Court.

9. In view of the above, the Writ Petition is dismissed. No cost. Consequently, connected Miscellaneous Petition is closed.

**05.11.2024**

Index : Yes/No



W.P.No.32684 of 2024

Speaking/Non-speaking Order

Neutral Citation :Yes/No

rgm

WEB COPY

**P.T.ASHA, J.**

rgm

To

1. The Inspector General of Registration,  
No.120, Santhome High Road,  
Foreshore Estate,  
Chennai – 600 028.
2. The District Registrar,  
No.5/1, Durgaiammal Koil Street,  
Thiruvannamalai – 606 601.
3. The Sub-Registrar,  
Office of the Sub-Registrar,  
Kilpennathur Town and Taluk,  
Thiruvannamalai District – 606 604.

W.P.No.32684 of 2024

and

W.M.P.No.35514 of 2024



WEB COPY



*W.P.No.32684 of 2024*

05.11.2024