



W.P.(MD)No.1388 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED 24.01.2024

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THE HONOURABLE **MRS.JUSTICE V.BHAVANI SUBBAROYAN**

W.P(MD)No.1388 of 2024

1.V.Valarmathiyan
2.V.Elangovan

...Petitioners

/Vs./

1.The Inspector General of Registration,
Office of the Inspector General of Registration,
No.100, Santhome High Road,
Chennai-600 028.

2.The District Registrar (Administration),
Office of the District Registrar,
Vandikara Theru,
Ramanathapuram District.

3.The Sub Registrar,
Office of the Sub Registrar,
Abiramam,
Kamuthi Taluk,
Ramanathapuram District.

4.V.Palaniammal

5.V.Pugazhenth

6.Thennarasi

...Respondents

Prayer: Writ Petition - filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Mandamus, directing the respondent No.1



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to cancel the documents in Document Nos.584 of 2022 and 585 of 2022 registered on the file of the third respondent by considering the petitioner's appeal dated 09.10.2023 in accordance with law within the time stipulated by this Court.

For Petitioners : Mr.S.Malaikani

For Respondents : Mr.S.Shanmugavel (R1 to R3)

Additional Government Pleader

ORDER

This writ petition has been filed for issuance of writ of mandamus, directing the first respondent to cancel the documents in Document Nos.584 of 2022 and 585 of 2022 registered on the file of the third respondent by considering the petitioners' appeal dated 09.10.2023 in accordance with law within the time stipulated by this Court.

2. Heard the learned counsel appearing for the petitioners and the learned Additional Government Pleader, who takes notice for the official respondents. Since no adverse order is going to be passed against the private respondents, notice to them is dispensed with. By consent of both parties, this writ petition is disposed at the stage of admission itself.



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3. According to the petitioners, the petitioners' father purchased the subject property in the name of the petitioners' mother. After demise of his father, the mother, who is the fourth respondent herein executed two settlement deeds in favour of the respondents 5 and 6, who are the petitioners' brother and sister.

4. The case of the petitioners is that the fourth respondent has no legal right over the property to execute the settlement deeds and therefore, he submitted a representation to the first respondent to cancel the settlement deeds, which was forwarded to the second respondent, who rejected the said application on the ground that it was a civil dispute. Challenging the same, the petitioners preferred an appeal before the first respondent. Since the same is still pending, the present writ petition has been filed with the aforesaid prayer.

5. The learned counsel appearing for the petitioners submits that the petitioners are entitled for their shares in the subject property and hence, they sought for cancellation of the documents registered by the fourth respondent in favour of the respondents 5 and 6.



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6. The learned Additional Government Pleader appearing for the respondents on written instructions submits that the said property was purchased by the fourth respondent from one Maarkandan in the year 1985 and the subject property was again settled in favour of the respondents 5 and 6 in the year 2022. He has also produced the encumbrance certificate with respect to the subject property.

7. It is seen from the documents available on record that the subject property was purchased only by the fourth respondent and it stands in the name of the fourth respondent and hence, it is left open to the petitioners to approach the competent civil Court to establish their rights over the subject property and accordingly, this writ petition stands dismissed. No costs.

24.01.2024

NCC : Yes/No

Index : Yes/No

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V.BHAVANI SUBBAROYAN, J.

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Order made in
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Dated:
24.01.2024