



W.P.(MD)No.3109 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 29.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.3109 of 2023
and W.M.P.(MD)Nos.2891 and 2892 of 2023

Dr.K.Rajasekaran

... Petitioner

versus

1. The District Registrar,
O/o. The District Registrar,
Tenkasi Post & District.
2. The Sub Registrar,
O/o. Oothumalai Sub Registrar,
Oothumalai Post,
V.K.Pudur Taluk,
Tirunelveli District.
3. Perumalakkal
4. Saratha

.... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records in pursuant to the impugned order passed by the 1st respondent in Na.Ka.No.6660/Aa2/2022 dated 05.12.2022 and quash the same and consequently direct the 1st respondent to consider the petitioner's Appeal dated 11.10.2022 and to conduct an enquiry under Section 77-A of Tamil Nadu Registration Act in respect of Settlement Deeds executed by the Respondents 3



W.P.(MD)No.3109 of 2023

and 4 in favour of their husband name in Document No.1915/2022 and 1916/2022 and to cancel the same within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.M.Saravanakumar
For R1 and R2 : Mr.M.Siddharthan,
Additional Government Pleader
For R3 and R4 : M/s.S.Devasena

ORDER

This writ petition is filed challenging the impugned proceedings passed by the first respondent in Na.Ka.No.6660/Aa2/2022 dated 05.12.2022, rejecting the request made by the petitioner.

2. The case of the petitioner is that he has purchased certain properties in the name of his father, for which, patta Nos.437 and 528 were also issued in the name of his father. The said properties were partitioned by way of a Will dated 12.02.2010 executed by his father, from the date on which, they are in possession and enjoyment of their respective share of the properties. While so, the respondents 3 and 4, who are none other than the sisters of the petitioner, had fraudulently executed settlement deeds in the name of their husbands on 09.07.2022 in Document Nos.1915 and 1916 of 2022 even without producing the original deeds and legal heir certificate. Therefore, the petitioner gave a



W.P.(MD)No.3109 of 2023

complaint before the registering authority seeking to cancel the settlement deeds executed by the respondents 3 and 4. But, the first respondent, by impugned proceedings dated 05.12.2022, rejected the request of the petitioner. Challenging the same, the present writ petition has been filed.

3. The Registering Authority has no power to go into the title of the property and to cancel any registered documents, as per the law laid down by the Hon'ble Supreme Court in Satya Pal Anand vs. State of Madhya Pradesh and others reported in (2016) 10 SCC 767 and also by this Court in G.Rajasulochana Vs. Inspector General of Registration and others (W.P.No. 29706 of 2022). Therefore, this Court is of the view that the 1st respondent has rightly rejected the request made by the petitioner. The petitioner can workout his remedy before the concerned Civil Court.

4. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

29.08.2024

NCC : Yes/No
Index : Yes/No
Internet: Yes/No.
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W.P.(MD)No.3109 of 2023

N.SATHISH KUMAR, J.

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To

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W.P.(MD)No.3109 of 2023

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