



WP(MD). No.3598 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 03/09/2024

CORAM

The Hon`ble Mr.Justice N.SATHISH KUMAR

WP(MD). No.3598 of 2023

Selvaraj. D

... Petitioner

Vs

1. The District Registrar,
Sivagangai District, Sivagangai..

2. Chinnaponnu,
W/o. Sangarapandi Muthaliyar, No.9a,
New Post Office Street, Thirupuvanam,
Sivagangai District..

... Respondents

PRAYER :- Writ Petition, filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the 1st respondent to dispose his proceedings in Na.Ka. No.4639/E1/2022 dated 16.11.2022 by considering the petitioner's reply dated 02.01.2023 within the time fixed by this Court.

For Petitioner : M/s.K.Sathish Kumar,
For Respondent : Mr.P.Subbaraj for R1
Special Government Pleader
No appearance for R2



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ORDER

The writ petition has been filed for a mandamus to direct the 1st respondent to dispose his proceedings in Na.Ka. No.4639/E1/2022 dated 16.11.2022 by considering the petitioner's reply dated 02.01.2023 within the time fixed by this Court.

2.It is the case of the petitioner that the subject property is the ancestral property, which was settled in favour of the petitioner. While so, due to family dispute, the grandmother/2nd respondent herein has made a request to the respondent to cancel the settlement deed and to pay maintenance to her. By acceding the said request, the respondent directed the petitioner to pay monthly maintenance of Rs.3,000/-. Aggrieved by the same, the 2nd respondent preferred appeal to cancel the settlement deed and therefore, the 1st respondent issued summons to the petitioner and calling him for enquiry. Since the same did not attain finality, the petitioner is before this Court.

3. It is seen that the very Section 77(A) inserted under the Registration Act, 1908 is struck down by the Division Bench of this



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Court in W.P.No.10291 of 2022 batch. That apart the title issue cannot be gone into by the authorities, which has to be established in the manner known to law before the civil Court as per *Satya Pal Anand v. State of M.P./ 2016 10 SCC 767* and *G. Rajasulochana v Inspector General made in W.P 29706 of 2024 dated 16.04.2024*. Therefore, it is for the parties to agitate the matter before the appropriate forum. Accordingly, the writ petition is dismissed. No costs.

03.09.2024

NCC : Yes/No

Index : Yes/No

RR

TO

1. The District Registrar,
Sivagangai District, Sivagangai..



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N.SATHISH KUMAR,J

**ORDER
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