



WEB COPY



W.P.(MD)No.3825 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.3825 of 2023
and W.M.P.(MD)No.3607 of 2023

Viduthalai Selvi

... Petitioner

versus

1. The District Registrar,
Ramanathapuram,
Ramanathapuram District.

2. The Sub Registrar,
Mudukulathur,
Ramanathapuram District.

3. Tamilselvam

4. Muthulakshmi

.... 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 relating to the impugned order passed by the 1st respondent made in Na.Ka.No.5270/Aa1/2022 dated 03.11.2022 and quash the same as illegal and consequently, direct the 1st respondent to cancel the fraudulent Inam Settlement Deed vide Doc.No.1238/2019 dated 04.11.2019 on the file of the 2nd respondent.

For Petitioner : Mr.T.Veerakumar

For R1 and R2 : Mr.P.Subbaraj,
Special Government Pleader



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For R3 and R4 : Mr.G.Sridharan

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ORDER

This writ petition is filed against the impugned order passed by the first respondent in Na.Ka.No.5270/Aa1/2022 dated 03.11.2022, rejecting the request of the petitioner.

2. The case of the petitioner is that the subject properties are the ancestral properties. She is the daughter of one Ramar Thevar, born through his second wife Amirtham Ammal. The 3rd respondent herein, who is none other than the brother of the petitioner, who is born through the first wife, had obtained a forged legal heir certificate from the Tahsildar, Muthukulathur, on 23.07.2007 stating that he and his mother Pooranathammal are only the legal heirs of Ramar Thevar by suppressing the remaining all legal heirs. Based on the forged legal heir certificate, the 3rd respondent had executed Inam Settlement deed in favour of the 4th respondent, who is the wife of the 3rd respondent, in respect of the ancestral properties. She only came to know about the said fact, when the 3rd respondent tried to fencing the property. On knowing the same, she made a complaint before the first respondent to cancel the Inam Settlement deed dated 04.11.2019. But, the first respondent, by impugned proceedings dated



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03.11.2022, rejected the request of the petitioner and directed the petitioner to workout her remedy before the concerned Civil Court.

3. The Registering Authority has no power to go into the title of the property and cancel any registered document, 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).

4. Therefore, this Court is of the view that the 1st respondent has rightly rejected the request made by the petitioner. The petitioner can workout her remedy before the concerned Civil Court.

5. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

29.08.2024

NCC : Yes/No
Index : Yes/No
Internet: Yes/No.
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N.SATHISH KUMAR, J.

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To

1. The District Registrar,
Ramanathapuram,
Ramanathapuram District.
2. The Sub Registrar,
Mudukulathur,
Ramanathapuram District.

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