



W.P.(MD)No.5417 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.5417 of 2023
and W.M.P.(MD)Nos.5067 and 5068 of 2023

A.Ayyanar

... Petitioner

versus

1. The State of Tamilnadu Rep. by
The Secretary to Government,
Commercial Taxes and Registration Department,
Secretariat, Chennai – 600 009.
2. Inspector General of Registration,
No.100, Santhome High Road,
Chennai – 600 028.
3. The District Registrar (Administration),
Madurai South
O/o The District Registrar,
Palace Road,
Madurai – 625 001.
4. The Sub Registrar,
Sub-Registrar's Office,
Kalligudi,
Madurai District.
5. The Tahsildar,
Taluk Office,
Kallikudi Taluk,
Madurai District.



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6. T.Mariappan

7. S.Shanmugasundaram

8. S.Sethuramu

9. M.Ayyanar

10. M.Manapparai

11. M.Sundaram

12. M.Pilavadi

13. M.Manoharan

14. S.Nagarajan

.... 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 pertaining to the impugned order passed by the 3rd respondent in Na.Ka.No.8937/B2/2022 dated 06.01.2023 and quash the same as illegal and consequently, direct the 3rd respondent to cancel the settlement documents registered in favour of respondents 7 to 13 clandestinely registered by the 14th respondent on the file of the 4th respondent office in Document Nos.2282/2022, 2283/2022, 2284/2022, 2285/2022, 2286/2022, 2287/2022 & 2288/2022 dated 07.07.2022 without any valid partition deed setting out the boundaries and extent of land among the coparceners in an undivided share and to direct the respondents 1 to 3 to take appropriate action against the 14th respondent for registering the illegal documents on his one day in charge period within a time limit fixed by this Court.



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For Petitioner	: Mr.G.Kannan
For R1 to R5	: Mr.P.Subbaraj, Special Government Pleader
For RR6, 7, 9 to 13	: Mr.R.Senthilkumar
For R14	: M/s.Spicy Law Firm

ORDER

This writ petition is filed as against the impugned order dated 06.01.2023 passed by the 3rd respondent in Na.Ka.No.8937/B2/2022, rejecting the request made by the petitioner to cancel the settlement deeds dated 07.07.2022 executed by the 6th respondent.

2. The case of the petitioner is that the subject property is the ancestral property and without any partition, they have been in joint possession and enjoyment of the property. While so, the 6th respondent has created forged documents by mentioning the boundaries of the property and also executed seven registered settlement deeds dated 07.07.2022. Therefore, he gave a complaint before the 3rd respondent to cancel the settlement deeds dated 07.07.2022 executed by the 6th respondent. But, the 3rd respondent, by impugned order dated 06.01.2023, rejected the request of the petitioner and also directed the petitioner to workout his remedy before the concerned Civil Court.



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Therefore, the petitioner is before this Court.

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3. The Registering Authority has no power 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).

4. Therefore, this Court is of the view that the 3rd respondent has rightly rejected the request made by the petitioner. If the petitioner has any share in the subject property, he can workout his remedy before the concerned Civil Court.

5. 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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N.SATHISH KUMAR, J.

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