



W.P.(MD)No.6150 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.08.2024

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CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.6150 of 2023
and W.M.P.(MD)No.5866 of 2023

C.Aandiappan

... Petitioner

versus

1. Deputy Inspector General of Registration,
Integrated Building of Registration Department,
TNAU Nagar,
Rajakambeeram,
Y.Othakadai,
Madurai District – 625 107.

2. The District Registrar (Administration),
Karaikudi,
Sivagangai District.

3. The Sub Registrar,
Sub Registration Office, Joint No.2,
Karaikudi,
Sivagangai District.

4. M.Kannagi

.... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, to call for the records pertaining to the impugned order in Na.Ka.No.3993/Aa4/2021 dated 19.07.2022 passed by the 1st respondent and quash the same.



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For Petitioner : No appearance
For R1 to R3 : Mr.P.Subbaraj
Special Government Pleader
For R4 : Mr.K.K.Udaya Kumar

ORDER

This writ petition has been filed challenging the order passed by the first respondent in Na.Ka.No.3993/Aa4/2021 dated 19.07.2022.

2. The case of the petitioner is that his father and mother had executed a settlement deed dated 17.09.1999 in respect of a punja land to an extent of 27 cents situated in Survey No.35/1 at Panampatti Village, Bananvaya Group, Sirugampatti Panchayat, Sakkottai Union, Karaikudi Taluk, Sivagangai District and he had transferred the title of the property to his wife's name vide a registered settlement deed in Document No.5592/2016 dated 25.11.2016. Thereafter, in the month of December 2016, his wife has sold the said property to one Gomathi vide a registered sale deed dated 07.09.2020 in Document No.5255/2020 and patta was also transferred to her name. While so, the 4th respondent, who is the sister of the petitioner, gave a complaint before the 2nd respondent to cancel the above registered Documents No.5592/2016 and 5255/2020 and claimed a title share, vide a registered Will in Document No.4/2017 dated 29.09.2021 which was executed by the petitioner's father. The 2nd respondent, by his proceedings dated 28.06.2021, rejected the request of the 4th respondent and directed her to approach



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the concerned Civil Court. Aggrieved over the same, the 4th respondent had preferred an appeal before the first respondent. The first respondent, by his proceedings dated 19.07.2022, allowed the appeal preferred by the 4th respondent, holding that the settlement deed executed in favour of the petitioner's wife in Document No.5592/2016 dated 25.11.2016 is a fraudulent one. Challenging the same, the present writ petition has been filed.

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. Further, whether the settlement deed executed in favour of the petitioner's wife in Document No.5592/2016 dated 25.11.2016 is a fraudulent one or not, is a matter of evidence to be decided only by the competent Civil Court. But, the first respondent, without any evidence and only based on the allegations, came to a conclusion that the settlement deed executed in favour of the petitioner's wife in Document No.5592/2016 dated 25.11.2016 is a fraudulent one, which is not sustainable in law. Therefore, the impugned proceedings dated 19.07.2022 passed by the 1st respondent is liable to be set aside.



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5. It is submitted that the 4th respondent has filed a partition suit in O.S.No.107 of 2021 and the same is pending before the District Munsif Court, Karaikudi. Therefore, the parties shall workout their respective rights in the pending suit in O.S.No.107 of 2021.

5. Accordingly, this writ petition is allowed and the impugned proceedings dated 19.07.2022 passed by the 1st respondent is hereby set aside. No costs. Consequently, connected miscellaneous petition is closed.

29.08.2024

NCC : Yes/No
Index : Yes/No
Internet: Yes/No.
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To

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Madurai District – 625 107.

2. The District Registrar (Administration),
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N.SATHISH KUMAR, J.

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