



W.P(MD)No.6493 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.6493 of 2023

and

W.M.P.(MD)No.6132 of 2023

C.Chinnadurai

... Petitioner

Vs.

1.The District Registrar (Registration),
Office of the District Registrar,
Pudukottai District.

2.The Sub Registrar,
Viralimalai Sub Registrar Office,
Pudukkottai District.

3.The Tahsildar,
Viralimalai Taluk, Pudukkottai District.

4.Gandhi

5.Ilanjiyam

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order issued by the 1st respondent in proceedings in Na.Ka.No.2290/A2/2021, dated 12.07.2022 and quash the same and consequently, to direct the 1st respondent to conduct re-enquiry with the help of the 3rd respondent and cancel the settlement deed in Doc.No.1420/2020,



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dated 20.08.2020 based on the petitioner's representation dated 06.01.2023 within the stipulated time fixed by this Court.

For Petitioner : Mr.A.Thiyagarajan
For R1 to R3 : Mr.C.Satheesh,
Government Advocate

ORDER

Heard both sides.

2.It is the case of the petitioner that the properties in Survey Nos.79/4B, 79/6B, 79/4A, 79/6C1, 79/6A and 79/7 were originally belonged to his mother, namely, Vellaiyammal. One Chellammal, Gandhi / 4th respondent herein, Karuthakannu and the petitioner are the legal heirs of the said Vellaiyammal. However, the 4th respondent suppressed the original legal heirs and obtained legal heir certificate as if the 4th respondent is the only legal heir of the said Vellaiyammal and executed a settlement deed in favour of his wife / 5th respondent herein in respect of the properties in question on 20.08.2020. Therefore, the petitioner made a complaint before the 1st respondent, seeking cancellation of the said settlement deed dated 20.08.2020. However, the 1st respondent rejected the request of the petitioner, vide order dated 12.07.2022, directing the petitioner to get remedy before the civil Court. Challenging the same, the petitioner has filed this Writ Petition.



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3.At the outset, the order passed by the 1st respondent does not require any interference for the simple reason that the Registering Authority has no power to cancel any registered document. Further, the very Section 77(A) inserted under Registration Act is struck down by the Division Bench of this Court in W.P.No.10291 of 2022 batch. This aspect has been elaborately dealt with in the case of **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.**

4.In view of the above settled position of law, unless the power is specifically vested with the registering authority to cancel any document and to go into the matter, there cannot be any direction to the authorities concerned to cancel the document. All these facts cannot be looked into by this Court and the same has to be agitated before the civil Court.

5.With the above observations, this Writ Petition is dismissed. It is for the petitioner to work out his remedy before the competent civil Court in the manner known to law. No costs. Consequently, connected miscellaneous petition is closed.

29.08.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Yuva



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To

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- 3.The Tahsildar,
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N.SATHISH KUMAR, J

Yuva

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