



WP(MD). No.14253 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 07/08/2024

CORAM

The Hon`ble Mr.Justice N.SATHISH KUMAR

WP(MD). No.14253 of 2021 and
WMP(MD) Nos.11190 and 11191 of 2021

Kathiresan

... Petitioner

Vs

1. The Appellate Authority /
Deputy Inspector General of Registration,
Deputy Inspector General of Registration,
Madurai Region, Madurai..

2. The District Registrar (Administration),,
Dindigul District @ Dindigul..

3. The Sub Registrar,
Nilakkottai, Dindigul District..

4. Rani.R,
W/o. Raja, Alagapuri Post, Alanganalur,
Vadipatti Taluk, Madurai District.

... Respondents

PRAYER :-Writ petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari to call for the records from the 1st respondent in connection with the impugned order in Na.Ka.No. 51/Aa4/2021 dated 18.02.2021 and Quash the same.



WP(MD). No.14253 of 2021

For Petitioner : M/s.Sathish Babu.N
For Respondents : Mr.P.Subbaraj for R1- R3
Special Government Pleader
Mr.A.Thirumoorthy for R4

ORDER

Challenge is made to the impugned order dated 01.11.2019 that the original owner has no right to decide the property.

2. A complaint has been given by the 4th respondent against the petitioner for cancellation of the document in 1757/2019 & 4275/2019 on the ground that she is the original legal heir of her brother Chelladurai which has been suppressed and property has been dealt with. The above complaint has been enquired pursuant to the circular issued by the respondent authorities under Section 68(2) of the Registration Act and the impugned order came to be passed, having found that they have no role to cancel the document, however, passed an order that the fourth respondent is entitled to deal with the property. Challenging the said order, the writ petition has been filed.



WP(MD). No.14253 of 2021

WEB COPY

3. The main contention of the learned counsel for the petitioner is that the impugned order cannot be sustained and there is no such power, whereas the learned counsel for the 4th respondent would submit that one Kamatchi Goundar had two wives Kamayeeammal and Solayeeammal. The respondent Rani has born to the second wife and Chelladurai, her brother has already passed away. He has purchased certain properties individually. Therefore, after his death Rani alone become the sole legal heir. The legal heirs born to Kamayeeammal dealt with the property and submitted that the impugned order does not require any interference.

4. I have considered the submissions on either side and perused the materials available on record.

5. The document was sought to be cancelled mainly on the ground that one Rani alone is the legal heir of Chelladurai. The document was also executed by the other legal heir born through the first wife of Kamatchi Goundar. Therefore, whether Rani alone is the absolute owner or Chelladurai was the absolute owner can be decided only before the



WP(MD). No.14253 of 2021

civil Court. Even when the property is purchased in any of the name of the joint family member, it does not mean that the said Rani has acquired the property. It has to be agitated only before the civil Court, particularly, in Hindu joint family.

6. In such view of the matter, merely on the basis of certain registration, the ownership cannot be claimed and the registering authority has no role in view of the law declared by the Hon'ble Supreme Court in *Satya Pal Anand v. State of M.P.*[2016 10 SCC 767], they cannot pass an order and give a declaration to the person, who has not even established the right in the property. In such view of the matter, the impugned order is quashed and the writ petition is allowed. It is open to the 4th respondent to establish the right or file a suit for partition, if such a right exists. No costs. Consequently connected Miscellaneous Petitions are closed.

07.08.2024

RR



WP(MD). No.14253 of 2021

TO
WEB COPY

1. The Appellate Authority /
Deputy Inspector General of Registration,
Deputy Inspector General of Registration,
Madurai Region, Madurai..
2. The District Registrar (Administration),,
Dindigul District @ Dindigul..
3. The Sub Registrar,
Nilakkottai, Dindigul District..



WEB COPY



WP(MD). No.14253 of 2021

N.SATHISH KUMAR,J

RR

**ORDER
IN
WP(MD) No.14253 of 2021**

Date : 07/08/2024