



W.P.(MD) No.15905 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.10.2024

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THE HONOURABLE Ms.JUSTICE P.T.ASHA

W.P.(MD) No.15905 of 2022

and

W.M.P.(MD) Nos.11485, 11486 and 11489 of 2022

1.M.Muthukumar

2.N.Meyyappan

... Petitioners

/vs./

- 1.The Appellate Authority cum
Deputy Inspector General of Registration,
Madurai Zone, Combined Registration Department Buildings,
Thirumoghur Road, Rajagambeeram,
Othakadai,
Madurai 630 609.
- 2.The District Registrar (Administration),
Muthuoorani Muduku Lane,
Muthupattinam,
Karaikudi 630 101.
- 3.The Joint Sub Registrar -2,
Baskara Naidu Street,
Senchai,
Karaikudi 630 001.



W.P.(MD) No.15905 of 2022

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... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, calling for the impugned order of the 1st Respondent bearing Na.Ka. No.2633/AA4/2022 dated 20.06.2022 and quash the same.

For Petitioners : Mr.ARL.Sundaresan Senior Counsel for
Mrs.AL.Gandhimathi

For R1 to R3 : Mr.P.Thambidurai
Government Advocate

For R4 : Mr.M.Sricharan Rangarajan Senior Counsel for
Mr.K.K.Samy

ORDER

Aggrieved by the order passed by the first respondent dated 20.06.2022 in his proceedings bearing Na.Ka.No.2633/AA4/2022, the petitioner is before this Court seeking issue of Writ of Certiorari to quash the said order.

2. The brief facts which has led to the filing of this writ petition are herein below set out.



W.P.(MD) No.15905 of 2022

WEB COPY

3. It is the contention of the petitioners that the property measuring an extent of 16335 sq.ft., in T.S.No.461, Block No.17, Ward No.2, at Karaikudi Municipality and Taluk belonged to Nachiammal Achi, W/o.Nachiappa Chettiar under a registered sale deed dated 04.07.1966. From the date of purchase, she has been in possession and enjoyment of the same. It is the contention of the petitioners that the property was purchased by the said Nachiammai Achi's husband in her name. They were blessed with three sons, N.Ramasamy, N.Muthukaruppan and N.Meyyappan. Out of these three sons, N.Ramasamy and N.Muthukaruppan were given in adoption to another family and N.Ramasamy's name was changed as S.Meyyappan, the fifth respondent herein.

4. It is the further case of the petitioners that Nachiammai Achi was living with her only son N.Meyyappan, the second petitioner till her death on 25.08.2011. After her death, her son, Meyyappan, the second petitioner, was in possession and enjoyment of the property from 2011 and a legal heirship certificate was also obtained from the Tahsildar and revenue records in respect of the property was transferred in the name of the second petitioner, N.Meyyappan. N.Meyyappan had also executed a registered settlement deed dated 02.04.2013 in



W.P.(MD) No.15905 of 2022

WEB COPY

favour of his son, M.Muthukumar, the petitioner in W.P.(MD) No.9690 of 2018 and he has been in possession and enjoyment of the property since then.

5. The petitioners would submit that they had been served with the notice from the Revenue Divisional Officer stating that they had received a representation from the fourth respondent's husband stating that their mother had settled an extent of 8167.50 sq.ft., in her favour and that she had bequeathed the portion of the property to the second petitioner and requested the transfer of patta in his name with reference to an extent of 8167.50 sq.ft., The second petitioner had appeared for enquiry and informed the authorities that he was unaware of the settlement deed of the Will executed by his mother and the petitioner who claims to have the property settled in his favour in 2018 has chosen to file this application for transfer of patta only in the year 2013.

6. In addition to, seeking cancellation of patta, the second respondent had also sought cancellation of settlement deed dated 02.04.2013. The second respondent by order dated 19.03.2022 had held that it was a civil dispute and the parties should approach the appropriate civil Court. Aggrieved by the said order,



W.P.(MD) No.15905 of 2022

WEB COPY

the fourth respondent had filed an appeal before the first respondent and the first respondent had held that the fourth respondent possessed a settlement deed and a registered Will in her favour in respect of 8167.50 sq.ft., and the first respondent had thereafter directed the third respondent to make remark in the encumbrance certificate that the settlement deed was fraudulent document and further directed the third respondent not to entertain the document in respect of the said property on the basis of the settlement deed. Therefore, the petitioners are before this Court.

7. Heard the learned counsel on either side.

8. In the connected writ petition in W.P.(MD) No.9690 of 2018, this Court upheld the impugned order passed by the second respondent in respect of an extent of 8167.50 sq.ft., The subject matter of the writ petition is the same. Admittedly, the property belonged to Nachiammal Achi and she has executed various registered documents and it is the petitioner, who is aggrieved by the documents executed stating that he is entitled to the entire property, as he is the only son of Nachiammal Achi and Nachiappa Chettiar and therefore entitled to



W.P.(MD) No.15905 of 2022

the property. The petitioners ought to have approached the civil Court to declare their exclusive right to the entire property. The impugned order has been passed on the basis of the documents that has been presented before the authority. Till such time as the petitioners have their title declared to the entirety in respect of the entire property, they cannot claim the portion that has been settled in favour of the fourth respondent's husband. The second respondent has rightly passed the impugned order and I see no reason to interfere with the same.

9. Accordingly, the Writ Petition stands dismissed. It is well open to the petitioners to move the appropriate civil Court as directed in the impugned order by the second respondent. No costs. Consequently, connected Miscellaneous Petitions are closed.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

19.10.2024



W.P.(MD) No.15905 of 2022

WEB COPY

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W.P.(MD) No.15905 of 2022

P.T.ASHA, J.

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W.P.(MD) No.15905 of 2022

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