



W.P.(MD)No.15058 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 29.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.15058 of 2023
and W.M.P.(MD)Nos.12665 & 12666 of 2023

R.Meenakshi

... Petitioner

Vs.

- 1.The Inspector General of Registration,
No.100, Santhom High Road,
Pattinampackam, Chennai 600 028.
- 2.The Deputy Inspector General of Registration,
Combined Registration Office,
Rajakambiram, Madurai District.
- 3.The District Registrar (Admn.),
Office of the District Registrar Office,
Dindigul District
- 4.The Sub Registrar,
Nilakottai Sub Registrar Office,
Dindigul District.
- 5.R.Rani

.... 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 of the



W.P.(MD)No.15058 of 2023

proceedings in Na.Ka.No.51/A4/2021 dated 18.02.2021 passed by the 2nd Respondent is illegal and quash the same.

For Petitioner : Mr.K.C.Maniyarasu
For Respondents : Mr.C.Satheesh,
Govt. Advocate for R1 to R4
Mr.T.Sakthi Kumaran for R5

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Certiorari, to call for the records of the proceedings in Na.Ka.No.51/A4/2021 dated 18.02.2021 passed by the 2nd Respondent is illegal and quash the same.

2. Heard the learned counsel for the petitioner, the learned Government Advocate appearing for the respondents 1 to 4 and the learned counsel appearing for the fifth respondent and perused the materials available on record.

3. The learned counsel for the petitioner submits that in the connected writ petition in W.P.(MD)No.14253 of 2021, this Court by order dated 07.08.2024, has allowed the said Writ Petition. Therefore, following the said order, this Writ Petition can be allowed. The said order reads as follows:

“Challenge is made to the impugned order dated 01.11.2019



WEB COPY

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.

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 been 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 becomes 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 civil



W.P.(MD)No.15058 of 2023

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.”*

4. Following the said order, the impugned order dated 18.02.2021 passed by the 2nd respondent is quashed and the Writ Petition is allowed. It is open to the 5th respondent to establish the right or file a suit for partition, if such a right exists. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

29.08.2024

NCC : Yes/No
Index : Yes/No
vsm



W.P.(MD)No.15058 of 2023

To

WEB COPY

- 1.The Inspector General of Registration,
No.100, Santhom High Road,
Pattinampackam, Chennai 600 028.
- 2.The Deputy Inspector General of Registration,
Combined Registration Office,
Rajakambiram, Madurai District.
- 3.The District Registrar (Admn.),
Office of the District Registrar Office,
Dindigul District
- 4.The Sub Registrar,
Nilakottai Sub Registrar Office,
Dindigul District.



WEB COPY



W.P.(MD)No.15058 of 2023

N.SATHISH KUMAR, J.

vsm

W.P.(MD)No.15058 of 2023

29.08.2024