



W.P(MD).No.18489 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD).No.18489 of 2024

and

W.M.P(MD).No.15716 of 2014

1.Visalakshi

2.N.Roja Malar

... Petitioners

Vs.,

1.The Inspector General of Registration,
Door No.100,
Santhome High Road,
Foreshore Estate,
Pattinapakkam,
Chennai 600 028.

2.The District Registrar,
Ramanathapuram District.

3.The Joint Sub Registrar No.II,
Ramanathapuram.

4.Karpagavalli

5.Seibai

6.Mathan chakkaravarthy

... Respondents



W.P(MD).No.18489 of 2024

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records relating to the impugned order dated 15.07.2024 in Na.Ka.No.126/2024 passed by the third respondent and consequential registration of the impugned settlement deed dated 19.03.2024 registered as Document No.2142 of 2024 on the file of the third respondent and quash the same.

For Petitioners : Mr.J.Barathan
For Respondent : Mr.P.Subbaraj (for R1 to R3)
Special Government Pleader

ORDER

The writ petition has been filed challenging the impugned order dated 15.07.2024 in Na.Ka.No.126/2024 passed by the third respondent and consequential registration of the impugned settlement deed dated 19.03.2024 registered as Document No.2142 of 2024 on the file of the third respondent.

2. Heard Mr.J.Barathan, learned counsel on behalf of the petitioners and Mr.P.Subbaraj, learned Special Government Pleader, who takes notice on behalf of the respondents 1 to 3. since no adverse order is going to be passed as against the respondents 4 to 6, notice to them is dispensed with.



W.P(MD).No.18489 of 2024

3. By consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

4. It is the case of the petitioners that the property measuring to an extent of 10 acres and 55 cents in Survey No.463/1B situated in Devipattinam Village, Ramanathapuram Taluk and District belongs to the second petitioner, by virtue of registered sale dated 03.08.2008. There was a dispute as to the title and extent in respect of the subject property between the father of the second petitioner's vendor, namely, Thilageswara Iyer and one Thillai Chidambara Nadar. Thilageswara Iyer filed a suit in O.S.No.190 of 1998 before the Subordinate Court, Ramanathapuram, for declaration of title. The suit was subsequently transferred and renumbered as O.S.No.59 of 2004 on the file of the District Munsif Court, Ramanathapuram and decreed in favour of the second petitioner's vendor. As against which, the defendant therein filed A.S.No.23 of 2005 and the same was allowed. As against which, S.A.(MD).No.544 of 2006 has been filed by the second petitioner's vendor and the same is pending before this Court, wherein an interim order has been granted. When that being so, the fourth respondent herein claiming to be the daughter-in-law of one Mariammal, who is the second defendant in O.S.No.59 of 2004, has filed O.S.No.34 of 2007 for partition of her



W.P(MD).No.18489 of 2024

share. The said suit was decreed and final decree has also been passed on 14.07.2022. Thereafter, the fourth respondent executed a settlement deed dated 19.03.2024 in favour of the sixth respondent. The said settlement deed has been refused by the registering authority, which has been challenged before this Court in W.P(MD).No.9080 of 2024 and the same was allowed directing the authority to register the document and this Court has also held that since in this writ petition, neither Arjunan nor any other third party have been impleaded, this direction to register the settlement deed will not take away their rights or claims. If Arujuna or any other third party raise any dispute, it will have to be independently considered de hors the order passed in this writ petition.

5. According to the petitioners, despite the above order has been granted, the settlement deed of fourth respondent has been registered. Hence, the petitioner has filed to annul the document.

6. I have perused the entire materials available on record.

7. Admittedly, there was a title dispute between the parties. The second appeal is also pending. That apart, final decree in the suit filed by the fourth



W.P(MD).No.18489 of 2024

respondent has also been passed. Merely on the basis of any document being registered, it will not determine the rights of the parties conclusively. The registration only gives public notice. The right and title of the property will be based, only on the civil Court decree. In that view of the matter, it is for the writ petitioners to work out their remedy before the competent civil Court and not before this Court. Accordingly, the Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is also dismissed.

05.08.2024
(2/2)

NCC : Yes/No
Index : Yes/No
Rmk

- To
- 1.The Inspector General of Registration,
Door No.100,
Santhome High Road,
Foreshore Estate,
Pattinapakkam,
Chennai 600 028.
 - 2.The District Registrar,
Ramanathapuram District.
 - 3.The Joint Sub Registrar No.II,
Ramanathapuram.



WEB COPY



W.P(MD).No.18489 of 2024

N.SATHISH KUMAR, J.

Rmk

W.P(MD).No.18489 of 2024

05.08.2024

(2/2)