



W.P(MD)No.17956 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.09.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)No.17956 of 2023

and

W.M.P.(MD)No.14999 of 2023

- 1.Dhanalakshmi
- 2.Rajaganesan
- 3.Rajamurugan
- 4.Kasirajan

...Petitioners

Vs.

- 1.The Inspector General of Registration,
No.100, Santhom High Road,
Chennai-600 028.
- 2.The District Registrar (Administration),
Periyakulam, Theni District.
- 3.The Sub Registrar,
O/o. Sub Registrar,
Cumbum, Theni District.
- 4.Sharbudeen Ahamed
- 5.Nazirudeen Ahamed
- 6.Rafiun Ahamed
- 7.Jalaludeen Ahamed

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Certiorari, to call for the records pertaining



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to the order of the 2nd respondent made in Na.Ka.No.511/E2/2023, dated 03.07.2023 and quash the same as it is arbitrary, illegal and lack of jurisdiction.

For Petitioners : Mr.R.Suriyanarayanan
For R1 to R3 : Mr.P.Subbaraj,
Special Government Pleader
For R4 to R7 : Mr.A.Sahuber Sathik

ORDER

Challenge has been made to the order of the 2nd respondent, dated 03.07.2023, cancelling the gift settlement deeds executed by the petitioner.

2.It is the case of the petitioners that the parents of the petitioners were in occupation of the properties in Door Nos.12A, 14A and 15 in Kalamman Kovil Street, Ward No.5, Cumbum Town from the year 1974 and the respondents 4 to 7 already filed a suit in O.S.No.103 of 1991, seeking recovery of possession, which was dismissed for default and restoration petition had also been dismissed. In view of the long possession, the mother of the petitioners executed a gift settlement deed dated 23.09.2011 in favour of the petitioners. Subsequently, the petitioners partitioned the properties between themselves through a registered partition deed dated 15.07.2015. Thereafter, the 4th petitioner executed a gift settlement deed dated 30.09.2020 to the 3rd



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petitioner. Thus, the petitioners 1 and 3 are the owners of the properties in question and are in possession and enjoyment of the same. In such circumstances, the 4th respondent made a complaint before the 2nd respondent, seeking cancellation of the gift settlement deeds of the petitioner. The 2nd respondent, after conducting enquiry, vide order dated 03.07.2023, cancelled the gift settlement deeds of the petitioners. Challenging the same, the petitioners have filed this Writ Petition.

3.It is the classic case, where the right of the person has already been extinguished in a Court of law for recovery of the property and what they could not achieve to recover the property in a civil Court, is conveniently achieved before the District Registrar by giving an application. 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. Further, the Registrar has no power to cancel the document already registered as per ***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 such view of the matter, the impugned order of the 2nd respondent, dated 03.07.2023 is quashed. This Writ Petition is allowed



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accordingly. No costs. Consequently, connected miscellaneous petition is closed.

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

Yuva

To

- 1.The Inspector General of Registration,
No.100, Santhom High Road,
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N.SATHISH KUMAR, J

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