



W.P.(MD)No.7368 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.08.2024

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.7368 of 2018

and

W.M.P.(MD)No.7054 of 2018

S.Manikalai

... Petitioner

Vs.

1.The Inspector General of Registration,
O/o.Inspector General of Registrarion,
No.100, Santhome High Road,
Mylapore, Chennai-600 028.

2.The District Registrar (Administration)
Madurai South, Madurai.

3.The Joint Sub-Registrar No.1,
Mahaal, Madurai (South),
Madurai.

4.A.Panchavarnam

5.A.Vengala Moorthi

6.A.Siva

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus calling for the records pertaining to the proceedings of the 2nd respondent in Mu.Mu.Ka.No.8447/AA2/2017 dated 28.02.2018 and quash the same and consequently direct the respondent 1 to 3 to annul the fraudulent Gift settlement deed executed by the 4th respondent



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in favour of the Respondents 5 and 6 in Doc.No.8253 of 2012 on the file of the Joint Sub Registrar No.1, Madurai South dated 08.10.2012.

For Petitioner : Mr.C.K.M.Appaji
For R1 to R3 : Mr.D.Sadiq Raja
Additional Government Pleader
For R4 to R6 : Mr.M.S.Gokula Kannan

ORDER

This writ petition has been filed challenging the proceedings of the 2nd respondent in Mu.Mu.Ka.No.8447/AA2/2017 dated 28.02.2018 and consequently to direct the respondents 1 to 3 to annul the fraudulent Gift settlement deed executed by the 4th respondent in favour of the Respondents 5 and 6 in Doc.No.8253 of 2012 on the file of the Joint Sub Registrar No.1, Madurai South dated 08.10.2012.

2.It is the case of the writ petitioner that the fourth respondent herein is the brother of the petitioner and the petition mentioned properties are belonged to his grandfather. After his demise, the family members of the petitioner have entered into a partition deed dated 01.04.2011. Thereby, the fourth respondent along with one of his sisters was allotted with only 10 cents. However, the fourth respondent suppressing the said partition deed, has executed a settlement



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deed in favour of his children in respect of the entire property in question on 08.10.2012, which he sought to be cancelled in this writ petition.

3.The petitioner contended that the settlement deed executed by the fourth respondent is fraudulent. When the same was sought to be cancelled, the District Registrar has refused to cancel the same and directed the parties to go to the civil Court.

4.At the outset, the Registering Authority has no power to cancel any registered document. This aspect has been elaborately dealt by this Court in W.P.No.29706 of 2022 [***G.Rajasulochana Vs. Inspector General of Registration and others***]. Further, the Hon'ble Supreme Court in the case of ***Satya Pal Anand v. State of M.P., reported in (2016) 10 SCC 767*** has held that the “some irregularity in the procedure committed during the registration process would not lead to a fraudulent execution and registration of the document, but a case of mere irregularity. In either case, the party aggrieved by such registration of document is free to challenge its validity before the Civil Court.”



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5. In view of the above, this Court is not inclined to entertain this writ petition. Accordingly, this Writ Petition stands dismissed. The parties are at liberty to work out their remedy before the competent Civil Court. No costs. Consequently, connected miscellaneous petition is closed.

08.08.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
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To

1. The Inspector General of Registration,
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No.100, Santhome High Road,
Mylapore, Chennai-600 028.
2. The District Registrar (Administration)
Madurai South, Madurai.
3. The Joint Sub-Registrar No.1,
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N.SATHISH KUMAR, J.

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