



WP(MD). No.21422 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 09/09/2024

CORAM

The Hon`ble Mr.Justice N.SATHISH KUMAR

WP(MD). No.21422 of 2024

Alagammal

... Petitioner

Vs

1. The Inspector General of Registration,
Registration Department,
100, Santhom High Road,
Mullimanagar, Manthaivelipakkam,
Raja Annamalaipuram, Chennai 600 028.

2. The District Registrar,
District Registration Office,
Dindigul, Dindigul District..

3. The Sub Registrar,
Sub Registrar Office,
Batlagundu, Dindigul District..

4. Prakatheeswaran,
S/o. Muthiah, Kenguvarpatti Village,
Periyakulam Taluk, Theni District..

... Respondents

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 3rd respondent cancel the Relinquish Deed executed by the 4th respondent in favour of legal heirs of Muthaiah Pillai namely Jeyalakshmi, Thirunavukarasu, Krishnaveni, Leelavathi, Gowrilaksmi, Meenambal in



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Doc. NO. 3715/2016 dated 09.09.2016 in respect of Survey No. 1581/28 with an extent of 6 cents out situated at Kenguvarpatti Village, Periyakulam Taluk, Theni District along with some other properties based on the petitioners representation dated 08.08.2024.

For Petitioner : Mr.S.Muniyandi,
For Respondent : Mr.P.Subbaraj for R1 to R3
Special Government Pleader

ORDER

The writ petition has been filed for a mandamus to direct the 1st respondent to dispose his proceedings in Na.Ka. No.4639/E1/2022 dated 16.11.2022 by considering the petitioner's reply dated 02.01.2023 within the time fixed by this Court.

2.It is the case of the petitioner that the subject property is the absolutely belong to the petitioner. It was purchased from the father of the 4th respondent under valid sale consideration. However, the father of the 4th respondent has filed a suit for recovery of possession on the premise that the petitioner did not pay the sale consideration. Since the plaintiff has not appeared before the trial Court, the suit was dismissed for default, however, subsequently, it was decreed in favour of the petitioner herein. While so, without any right or title, the 4th respondent



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herein, being the legal heir, has created a relinquishment deed in favour of his legal heirs. Without any verification of the civil Court decree, the third respondent has also registered the relinquishment deed. Therefore, the petitioner sent a representation to the 2nd respondent to cancel the relinquishment deed. However, since the same has not been considered so far, the petitioner is before this Court.

3. It is seen that the very Section 77(A) inserted under the Registration Act, 1908 is struck down by the Division Bench of this Court in W.P.No.10291 of 2022 batch. That apart the title issue cannot be gone into by the authorities, which has to be established in the manner known to law before the civil Court 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***. Therefore, it is for the parties to agitate the matter before the appropriate forum. Accordingly, the writ petition is dismissed. No costs.

09.09.2024

RR

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