



WP(MD). No.25385 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 04/09/2024

CORAM

The Hon`ble Mr.Justice N.SATHISH KUMAR

**WP(MD). No.25385 of 2022
and WMP(MD) No.19470 of 2022**

Sulochana.S

... Petitioner

Vs

1. The Inspector General,
Registration Department, Chennai.
2. The Deputy Inspector General,
Registration Department, Madurai.
3. The Revenue Divisional Officer,
Devakottai Division, Sivagangai District.
4. District Registrar,
Karaikudi Registration District,
Karaikudi, Sivagangai District.
5. The Tahsildar,
Thirupathur Taluk, Sivagangai District.
6. The Sub Registrar,
Thirupathur Taluk, Sivagangai District.
7. Meenambal Nagarajan,
402, Arista Apts, Tatabad 5th Street,
Gandhipuram, Coimbatore District-641012.

... Respondents



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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 in connection with the impugned order passed by the 4th respondent in Na.Ka.No. 2313/A4/2022 dated 22.07.2022 and quash the same as illegal.

For Petitioner : M/s. Bharathy Kannan.S,
For Respondent : Mr.K.Vinayagan for R7
Mr.M.Siddharthan for R1 to R6
Additional Government Pleader

ORDER

Challenging the impugned order alleging that settlement deed executed on 22.06.2022 is fraudulent one and make necessary entries in this regard, the writ petition is filed.

2. A complaint has been made by the 7th respondent to cancel the settlement deed executed by the petitioner in favour of her son. It is the case of the petitioner that the property belong to her father-in-law Mahalingam Pillai and after his demise, it devolved on the petitioner's husband and after the demise of the petitioner's husband, it devolved on the petitioner herein. While so, the petitioner has executed a settlement deed in favour of her son via settlement deed No.2024/2022 dated



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08.06.2022. However, the same is sought to be cancelled by the 7th respondent by giving a complaint before the 4th respondent. Based on that the impugned order came to be passed.

3. It is the case of the 7th respondent that an extent of 2.68 acres originally owned by her husband and he has sold 2.01 acres and retained 67 cents in his favour. Her husband died on 09.05.2015. During 2011, when the petitioner applied for patta, she came to know that the property has been dealt by Mahalingam Pillai, who is the father-in-law of the petitioner and 7th respondent. Later, it came to know that Mahalingam Pillai died on 27.08.2007. However document has been fabricated in the year 2011. On that allegation, the document is sought to be cancelled.

4. I have considered the rival submissions and perused the materials available on record.

5. On perusal of the impugned order, the disputed facts have not been established with the foundational facts based on the allegation and without any further proof, the order came to be passed. Be that as it may.



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It is the case of the petitioner that Mahalingam Pillai purchased property in the year 1953 in Doc.No.1063/53 from one Madasamy Naidu. These aspects have not been gone into.

6. In such view of the matter, since the registering authority cannot go into the title issue as held in 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***, the writ petition stands allowed and the impugned order is quashed. The parties are directed to agitate the issue before the civil Court. No costs. Consequently connected Miscellaneous Petition is closed.

04.09.2024

NCC : Yes/No
Index : Yes/No
RR



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