



WP(MD). No.24134 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 15/10/2024

CORAM

The Hon`ble Mr.Justice N.SATHISH KUMAR

**WP(MD). No.24134 of 2024 and
WMP(MD) Nos.20464 and 20467 of 2024**

K.Shobha

... Petitioner

Vs

1. The Inspector General of Registration,
O/o. the Inspector General of Registration,
Santhome High Road,
Chennai..

2. The District Registrar (Administration),
Karur District,Karur..

3. The Sub-Registrar,
Aravakurichi,Karur District..

4. Gothandapandi,
S/o. Late. M.Perumal,
Perumavalasu, Chinnayampatti,
Pungampadi East Village,
Aravakurichi Taluk, Karur District..

5. R.Lakshminarayanamoorthy,
S/o. Unkonwn,
No.49, Rukkammal Colony,
Thudiyalur,
Coimbatore District..

... 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, calling for the records relating to the impugned order passed by the 2nd respondent vide his proceedings in Na.Ka.No. 5780/Aa3/2022 dated 20.01.2023 and the consequential impugned order passed by the 1st respondent vide his proceedings in No. 6405/ U4/U3/2023 dated 18.07.2023 and quash the same as illegal in so far as the observations are concerned.

For Petitioner : M/s. M.Mohammed Zamil
for M/s.Ajmal Associates,
For Respondents : Mr.M.Siddharthan
Additional Government Pleader

ORDER

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

2. Since no adverse order is going to be passed against the respondents 4 and 5, notice to the respondents 4 and 5 is dispensed with.

3. Challenging the impugned order of the appellate authority confirming the order of the original authority rejecting the application of the petitioner for cancelling the document, the writ petition has been filed.



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4. The document is sought to be cancelled on the ground private respondents have obtained settlement in their favour from the petitioner's father fraudulently. It is alleged that the petitioner's father was not in a fit state of mind to take any decision while executing the settlement deed. The original authority has negatived the case of the petitioner and dismissed the application filed under Section 77A of the Registration Act. On appeal, the same has been confirmed. However, it is recorded that there is no evidence to show that the executant, namely, the father of the petitioner was of unsound mind at the time of executing the document. Challenging the same, the petitioner is before this Court.

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

6. As far as the cancellation of the document is concerned, this Court is of the view that the impugned orders of the authorities do not require any interference. It is for the petitioner to establish his right before the civil Court by challenging the document. Any observation



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made by the authorities with regard to the medical fitness and execution will not bind the civil Court. The civil Court shall decide the matter on its own merits.

7. The writ petition is disposed of with the above direction. No costs. Consequently connected Miscellaneous Petitions are closed.

15.10.2024

RR

TO

1. The Inspector General of Registration,
O/o. the Inspector General of Registration,
Santhome High Road,
Chennai..

2. The District Registrar (Administration),
Karur District,Karur..

3. The Sub-Registrar,
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N.SATHISH KUMAR,J

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**ORDER
IN
WP(MD) No.24134 of 2024**

Date : 15/10/2024