



WP(MD). No.24261 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 05/09/2024

CORAM

The Hon`ble Mr.Justice N.SATHISH KUMAR

**WP(MD). No.24261 of 2023 and
WMP(MD) No.20436 of 2023**

Thenmozhi

... Petitioner

Vs

1. The Inspector General of Registration,
Door No.100, Santhome High Road,
Foreshore Estate, Pattinapakkam,
Chennai-600028..

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

3. The Sub Registrar,
Keelakarai, Ramanathapuram District..

4. Ayyamperumal,
S/o. Muniyandi,
Door No.5/462, Sethu Nagar,
Muthupettai,
Ramanathapuram Taluk,
Ramanathapuram District..

5. Senthilkumar,
S/o. Ayyamperumal
Door No.5/462, Sethu Nagar,
Muthupettai,Ramanathapuram Taluk& District.

... Respondents



WP(MD). No.24261 of 2023

PRAYER :- Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Declaration, declaring that the 2nd respondent has no power, authority or jurisdiction to conduct any enquiry into the rival claim of title between the petitioner, her sons and her husband and the respondents 4 and 5 in respect of the subject properties on the basis of the settlement deeds dated 10.10.2008 registered as Document No.2481 of 2008 on the file of the 3rd respondent and dated 11.04.2023 registered as Document No.1456 of 2023 on the file of the 3rd respondent as per Rule 55 of the Registration Rules, 1949 and consequentially forbearing the respondents 1 to 3 from conducting any enquiry in pursuance of the notice dated 02.05.2023 in Na.Ka.No.1162/Aa1/2023 issued by the 2nd respondent.

For Petitioner : Mr.T.R. Jeyapalam,
For Respondents : Mr.P.Subbaraj
Special Government Pleader

ORDER

This writ petition has been filed for a declaration that 2nd respondent has no power, authority or jurisdiction to conduct any enquiry into the rival claim of title between the petitioner, her sons and her husband and the respondents 4 and 5 in respect of the subject properties on the basis of the settlement deeds dated 10.10.2008 registered as Document No.2481 of 2008 on the file of the 3rd respondent and dated 11.04.2023 registered as Document No.1456 of 2023 on the file of the 3rd



WP(MD). No.24261 of 2023

respondent as per Rule 55 of the Registration Rules, 1949 and consequentially forbearing the respondents 1 to 3 from conducting any enquiry in pursuance of the notice dated 02.05.2023 in Na.Ka.No. 1162/Aa1/2023 issued by the 2nd respondent.

2. The case of the petitioner is that she is one of the daughter of her father. Her father settled a property in her favour, which in turn has been given in settlement to her minor sons. Thus, the petitioner's sons are the absolute owners of the property. While so, the petitioner's younger son has settled his portion of property in favour of his father and hence, the petitioner's husband and elder son are the absolute owner of the property after settlement. However, the 5th respondent has given a complaint as if neither the petitioner nor the father of the petitioner has no right over the property and sought to cancel the settlement deed dated 10.10.2008 and 11.04.2023. Pursuant to the same, the respondent authorities have issued notice to the petitioner calling upon her to appear for enquiry. It is her specific case that when the petitioner's son and her husband are the absolute owners of the property, calling the petitioner alone for an enquiry is per se illegal and hence, she is before this Court.



WP(MD). No.24261 of 2023

WEB COPY

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

4. At the outset, the authorities have no power to go into the disputed title. The Apex Court had repeatedly held that the District Registrar or the Inspector General of Registration has no right whatsoever to go into the disputed title in *Satya Pal Anand v. State of M.P.*[2016 10 SCC 767] and this Court in *G. Rajasulochana v Inspector General made in W.P 29706 of 2024 dated 16.04.2024*. Therefore, in the case on hand, entertaining of the complaint by the third party and calling the petitioner for enquiry/explanation is per se illegal.

5. Accordingly, the writ petition is allowed. No costs. Consequently connected Miscellaneous Petition is closed.

05.09.2024

RR



WP(MD). No.24261 of 2023

TO

1. The Inspector General of Registration,
Door No.100, Santhome High Road,
Foreshore Estate,
Pattinapakkam, Chennai-600028..

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

3. The Sub Registrar,
Keelakarai,
Ramanathapuram District..



WEB COPY



WP(MD). No.24261 of 2023

N.SATHISH KUMAR,J

RR

**ORDER
IN
WP(MD) No.24261 of 2023**

Date : 05/09/2024