



W.P(MD)No.24717 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.12.2024

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.24717 of 2024

and

W.M.P(MD)No.21033 of 2024

N.Nasar

... Petitioner

Vs

1.The District Registrar (Admin),
Madurai North Registration District,
Madurai.

2.The Sub Registrar,
Karungalagudi Sub Registration Office,
Karungalagudi,
Melur Taluk,
Madurai District.

3.S.Ragumath Nisha Begam

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the first respondent in No.1662/A2/2022 dated 11.04.2023 and quash the same and further direction the first respondent to restore the settlement deed of the petitioner in D.No.1939 of 2011 dated 29.08.2011 on the file of the second respondent into old position.



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For Petitioner : Mr.T.Selvan
For RR 1 & 2 : Mr.M.Sarangan
Additional Government Pleader
For R – 3 : Ms.H.Jasima Yasmin
for M/s.Ajmal Associates

ORDER

This Writ Petition has been filed by the petitioner challenging the impugned order passed by the first respondent dated 11.04.2023 and consequently to direct the first respondent to restore the settlement deed of the petitioner in D.No.1939 of 2011 dated 29.08.2011 on the file of the second respondent into the old position.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The property comprised in Survey Nos.309/20, 30/922 and 310/2 totally admeasuring 3 acre 48 cents situated at Kottampatti Village, Madurai District belongs to the petitioner's wife. She had purchased the same from one Saroja vide Document No. 485 of 2003 dated 05.05.2003. The third respondent, who is none



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other than the petitioner's wife's sister, approached the petitioner and his wife to run her Textile shop due to loss occurred to him.

Thereafter, they are running the shop after executing a sale deed dated 19.08.2007 as sham and nominal in favour of the third respondent as security for the said shop. Thereafter, they sold the said shop and handed over the sale money of Rs.13 lakhs to the third respondent. For the said dealing, the petitioner's wife had executed the sale deed dated 29.08.2007 vide Document No.1564 of 2007 admeasuring 1 acre 30 cents out of 3 acre 48 cents. As per the oral agreement, the third respondent refused to cancel the sale deed executed by the petitioner's wife, after handing over the money to him. Hence, the petitioner's wife had executed a settlement deed for the said land in favour of the petitioner vide Document No.1939 of 2011, dated 29.08.2011 to an extent of 3 acre 19 cents, since the National Highways already acquired 29 cents in his wife's land. While being so, the third respondent made a complaint before the first respondent stating that the said land belongs to her and claiming 1 acre 30 cents out of 3 acre 19 cents. The third respondent seeking to cancel the settlement deed dated 29.08.2011 vide Document No.1939 of 2011 registered before the Sub-Registrar, Karunkalagudi executed by the petitioner's wife in favour of him. The first respondent, after conducting enquiry,



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passed the impugned order dated 11.04.2023 thereby cancelling the petitioner's settlement deed dated 29.08.2011 vide Document No.1939 of 2011 under Section 77A of the Registration Act, 1908.

4.In view of the dictum laid down by the Hon'ble Division Bench of this Court in ***M.Kathirvel and others Vs. Inspector General of Registration and others*** reported in **2024 (4) CTC 769**, the impugned order passed by the first respondent, dated 11.04.2023 cannot be sustained and the same is liable to be quashed.

5.Accordingly, the impugned order passed by the first respondent, dated 11.04.2023 is quashed and the Writ Petition is allowed. The third respondent is at liberty to file a civil suit in the manner known to law, if so advised. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

16.12.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
ps



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To

- 1.The District Registrar (Admin),
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- 2.The Sub Registrar,
Karungalagudi Sub Registration Office,
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G.K.ILANTHIRAIYAN, J.

ps

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