



W.P.(MD) No.21783 of 2017

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD) No.21783 of 2017

and

W.M.P.(MD) No.18079 of 2017

K.Muthiah Chettiyar

.. Petitioner

Vs.

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

2.The District Registrar,
District Registrar Office,
Pudhukottai, Pudhukottai District.

3.The Sub Registrar,
Sub Registrar Office,
Thirumayam, Pudhukottai District.

4.K.Sundaram

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, to direct Respondent No.2 to take action against Respondent No.4 with regard to the gift settlement deed in No.512/2016 dated 25.02.2016 on the file of Respondent No.3 as



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per Sec.83 of The Registration Act, 1908 and in the light of the Proceedings of Respondent No.1 dated 20.10.2017 in Letter No. 41530/U1/2017 and initiate criminal prosecution, within the time frame to be stipulated by this Court.

For Petitioner : Mr.S.Rajasekar
For R1 to R3 : Mr.D.Sadiq Raja
Additional Government Pleader
For R4 : Mr.S.Vanchinathan

ORDER

The claim of the petitioner in this writ petition is that the fourth respondent herein had coerced the mother of the petitioner to execute a settlement deed in his favour and hence, he has sought for a mandamus to direct the second respondent herein to take action against the fourth respondent and to initiate criminal prosecution within a time frame.

2. It is now settled law that when an individual wants to challenge a document that had been executed, he had to only approach the appropriate civil Court and the registering authorities do not have



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authority to deal with the said issue. The said principle had been laid down by the Hon'ble Apex Court in *Satya Pal Anand vs. State of Madhya Pradesh* reported in **(2016) 10 SCC 767**. In view of the same, the mandamus as sought for by the petitioner cannot be granted.

3. The learned counsel appearing for the fourth respondent also would indicate that the fourth respondent is no more and steps would have to be taken for impleading the legal heirs of the fourth respondent.

4. Since the prayer sought for in the writ petition is held to be not maintainable, there is no necessity for impleading the legal heirs of the fourth respondent at this stage. If the petitioner is so aggrieved against the settlement deed executed by his mother in favour of the deceased fourth respondent, it is for him to approach the appropriate civil Court in the manner known to law. If the petitioner approaches the appropriate civil Court, the period of pendency of this writ petition shall stand excluded by calculating the period of limitation for entertaining the writ petition.



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5. With the aforesaid liberty, this Writ Petition stands disposed of.

There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

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NCC : Yes/No

Index : Yes/No

Internet : Yes

abr

To

- 1.The Inspector General of Registration,
O/o. Inspector General of Registration,
Santhome, Chennai.
- 2.The District Registrar,
District Registrar Office,
Pudhukottai, Pudhukottai District.
- 3.The Sub Registrar,
Sub Registrar Office,
Thirumayam, Pudhukottai District.



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K.KUMARESH BABU, J.

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