



W.P.(MD)No.28433 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.28433 of 2022
and W.M.P.(MD)Nos.22447 & 22449 of 2022

- 1.T.Boomiselvi
- 2.Minor N.Nandhanathan @ Vaibavu Sarma

(2nd petitioner represented by his mother/
natural guardian, the 1st petitioner herein)

... Petitioners

Vs.

- 1.The District Registrar,
Pattukottai,
Thanjavur District.
- 2.The Joint – I Sub Registrar,
Pattukottai,
Thanjavur District.

- 3.N.Natarajan

.... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, calling for the records relating to the impugned proceedings of the 1st respondent in Na.Ka.No.3184/A4/2022, dated 11.11.2022, and quash the same.



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For Petitioners : Mr.A.Mohamed Haneef
For Respondents : Mr.P.Subbaraj,
Spl. Govt. Pleader for R1 & R2
Mr.Ramsundar Vijayraj for R3

ORDER

This Writ Petition has been filed for issuance of a Writ of Certiorari, calling for the records relating to the impugned proceedings of the 1st respondent in Na.Ka.No.3184/A4/2022, dated 11.11.2022, and quash the same.

2. It is the case of the Writ Petitioner that the first petitioner married the third respondent on 24.05.1990 and they blessed with the 2nd petitioner. While so, the 3rd respondent illegally married one Sangeetha in the year 2003 and he continues to live separately along with the said Sangeetha at Pattukottai. Thereafter, in order to make arrangement for 2nd petitioner's future, the third respondent on his own volition executed a settlement deed dated 03.10.2011. Since the third respondent's brother is not amenable for partition, the 1st petitioner filed a suit in O.S.No.205 of 2022 as guardian for the 2nd petitioner and the same is pending. In the meanwhile, the third respondent has given a complaint before the



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1st respondent alleging that the settlement deed dated 03.10.2011 is a fraudulent one and the same was executed under coercion and therefore, seeks to cancel the said settlement deed. On receipt of the said complaint, the 1st respondent issued the show cause notice dated 11.11.2022, calling upon the petitioner for enquiry and show cause as to why the settlement deed dated 03.10.2011 should not be cancelled. Challenging the same, the petitioner has filed this Writ Petition.

3. The respondents have not filed their counter affidavit.

4. Heard the submissions made by the learned counsel appearing on either side and perused the materials available on record.

5. Considering the facts and circumstances of the case, this Court is of the view that the dispute is only with regard to the rival parties claiming title over the property. Further, the registering authorities have no power to go into the title as declared by the Hon'ble Supreme Court in ***Satya Pal Anand vs. State of Madhya Pradesh and others*** reported in (2016) 10 SCC 767 and Section 77-A of the Registration Act, 1908 also is struck down by the Hon'ble Division Bench of this Court in W.P.No.10291 of 2022 batch as unconditional. Hence, the notice



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impugned, directing the petitioner to appear for enquiry and show cause as to why the settlement deed dated 03.10.2011 should not be cancelled, is not sustainable in law and the same is liable to be quashed.

6. Accordingly, this Writ Petition is allowed and the impugned notice dated 11.11.2022 issued by the first respondent stands quashed. No costs. Consequently, connected miscellaneous petitions are closed.

27.08.2024

NCC : Yes/No
Index : Yes/No
vsm



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- To
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N.SATHISH KUMAR, J.

vsm

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