



W.P.(MD) No.27502 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.09.2024

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CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD) No.27502 2023

and

W.M.P.(MD)No.23620 of 2023

1.Amutha
2.Lakshmi Ammal

...Petitioners

-VS-

1.The Inspector General of
Registration Department,
No.100, Santhom Highway,
Pattinambakkam,
Chennai-28.

2.The Deputy Inspector General of
Registration Department,
Deputy Registration Department,
Tiruchirappalli.

3.The District Registrar (Admin),
Registration Department,
District Registration Office,
Pudukkottai District.

4.The Sub-Registrar,
Sub-Register Office,
Kulathur, Pudukkottai District.

5.Jansirani

...Respondents



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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of Certiorari to call for the records pertaining to an order passed by the third respondent proceedings in Na.Ka.No.5552/A2/2022 dated 16.06.2023 and quash the same.

For Petitioners	: Mr.R.Paranjothi for M/s.KBS Law Office
For R1 to R4	: Mr.P.Subbaraj Special Government Pleader
For R5	: Mr.M.Ramu

ORDER

The petitioners have filed this writ petition challenging the order of the third respondent in Na.Ka.No.5552/A2/2022 dated 16.06.2023, through which the settlement deed executed in favour of the first petitioner was cancelled.

2.The contention of the first petitioner is that the subject property is the ancestral property of her mother, who had executed a settlement deed in her favour of with regard to the subject property. The petitioners are in possession and enjoyment of the said property. While so, based on the complaint given by the fifth respondent, the third respondent had



conducted enquiry and cancelled the settlement deed executed in favour of the first petitioner by her mother. Challenging the same, the petitioners have filed this writ petition.

3.The learned counsel for the petitioner submits that the petitioner has filed a suit in O.S.No.171 of 2023 in respect of the subject property and the same is pending before the Sub Court, Pudukkottai.

4.The complaint has been given by the fifth respondent stating that one Chelliah Servai had sold the subject property to one Muhambikai Trust in the year 1985. From one of the Trustees of the said Trust, one Rajagopalan had purchased the property in the year 2000. The said Rajagopalan executed a Will in favour of his son, namely Shanmugam in the year 2005. Based on the said Will, the said Shanmugam had developed the subject property into plots in the name and style of 'Annai Nagar'. The fifth respondent is the purchaser of one of the plots in Annai Nagar. In the meantime, the second petitioner claiming herself as the daughter of Chelliah Servai, had executed a settlement deed in favour of his daughter, the first petitioner herein in respect of the property



purchased by the fifth respondent. Hence, the same was cancelled on the basis of the complaint given by the fifth respondent.

5.The extent of the property is not disputed by the parties. The settlement deed was executed by the second petitioner, after the sale deed was executed in favour of the fifth respondent. Normally, this Court would have set aside the order cancelling the registered document issued by the registering authorities as they have no power to cancel any registered document. However, having regard to the fact that the petitioners have filed a suit with regard to the subject property in O.S.No. 171 of 2023 for declaration and to cancel the documents executed in favour of the fifth respondent and also considering the nature of issue between the parties, this Court directs the parties to establish their rights in the pending civil suit before the competent civil Court. It is also made clear that the findings rendered by the District Registrar will not bind the civil Court to decide the matter independently on the basis of the valid documents adduced by the parties. Further, the direction given in the impugned order to initiate action under Sections 82 and 83 of the Registration Act is alone set aside.



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6.This writ petition is disposed of on the above terms. No costs.

Consequently, connected miscellaneous petition is closed.

05.09.2024

Index : Yes / No
Internet : Yes / No
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