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WP No. 2957 of 2019



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-09-2025

CORAM

THE HONOURABLE MR JUSTICE M.DHANDAPANI

WP No. 2957 of 2019

AND

WMP NO. 3227 OF 2019

M.Karunaiammal

Petitioner

Vs

1. The Collector,
Tiruppur District, Tiruppur.

2.The Sub Collector,
Tiruppur District, Tiruppur.

3.The Tahsildar,
Tiruppur South Taluk, Tiruppur.

4.S.M.Eswaramoorthy,
S/o.Late Murugasamy,
No.207, 208, KRS Thottam,
Seventahampalayam,
Muthannampalayam, Tiruppur 641 606.

5.S.M.Velusamy,
S/o.late Murugasamy,
C-5, Cheran Nagar, Kangayam Road,
Tiruppur 641 606

Respondent(s)

PRAYER: This petition has been filed under Article 226 of the Constitution of India, for issuance of a writ of Certiorarified Mandamus, calling for the records relating to the order passed in the appeal in Mu.Mu.No.21398/2017/E1 dated 10/12/2018 on the file of the 1st respondent reversing the order passed in proceedings in Na.Ka.No.5693/2014/A3 dated 15.11.2017 on the file of the 2nd respondent quash the same.



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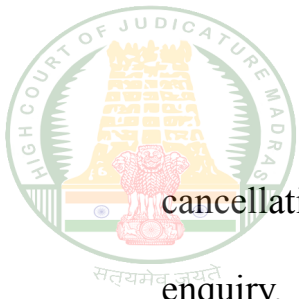
For Petitioner : Mr.R.Ashraf Khan

For Respondent(s): Mrs.S.Anitha
Special Government Pleader for
R1 to R3
Mr.C.R.Prasanan for R4
M/s.R.Sivaraman for R5

ORDER

The present writ petition has been filed for issuance of a writ of certiorarified mandamus to call for the records relating to the order passed in the appeal in Mu.Mu.No.21398/2017/E1 dated 10/12/2018 on the file of the 1st respondent reversing the order passed in proceedings in Na.Ka.No.5693/2014/A3 dated 15.11.2017 on the file of the 2nd respondent quash the same.

2. The case of the petitioner is that the petitioner is the mother of the 4th and 5th respondents. It is stated that in respect of the ancestral property, a partition deed dated 18.05.2008 was executed between the petitioner and her sons/respondents 4 and 5, in which the petitioner has relinquished her rights in favour of 4th and 5th respondents. Pursuant to execution of the said deed, the 4th and 5th respondents failed to take care of the petitioner. Thereby, the petitioner made a complaint before the 2nd respondent under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, seeking



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cancellation of the said partition deed dated 18.05.2008. After conducting an enquiry, the 2nd respondent, passed an order dated 15.11.2017, directing the District Registrar, Tiruppur, to cancel the partition deed in Doc.No.4597 of 2008 and cancelling the sub divisions made in S.Nos.6 and 7 by the Tiruppur South Tahsildar. Accordingly, the 3rd respondent, cancelled the subdivisions and the District Registrar, Tiruppur, cancelled the partition deed by an order dated 10.04.2018. Subsequent to the cancellation of the said partition deed, patta was issued by the 3rd respondent in favour of the petitioner. Aggrieved by the order dated 15.11.2017, the 4th petitioner preferred an appeal before the first respondent on 18.12.2017. The first respondent/The Collector, passed an order dated 10.12.2018, setting aside the order of the 2nd respondent dated 15.11.2017. Challenging the same, the petitioner has filed the present petition.

3. The learned counsel appearing for the petitioner submits that out of love and affection, the petitioner had relinquished the property in favour of her sons/4 and 5th respondents. However, contrary to the love and affection, 4th and 5th respondents have failed to take care of their mother/petitioner, which necessitated the petitioner to file a complaint before the 2nd respondent. Upon considering the grievance of the petitioner, the 2nd respondent had rightly passed an order and cancelled the partition deed, however, the same was set



aside by the 1st respondent vide order dated 10.12.2018, which is not sustainable. Accordingly, he prays for appropriate orders from this Court.

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4. Per contra, the learned counsel for the 4th respondent would submit that the issue arises in this writ petition is no longer *res integra* and the same was covered by the decision in the case of ***Latif Estate Line India Ltd., Vs. Hadeeja Ammal and others reported in AIR 2011 (Mad) 66*** followed by a Full Bench decision of this Court in the case of ***Sasikala Vs. The Revenue Divisional Officer cum Sub Collector, Devakottai, Sivagangai District [W.P. (MD) 6889 of 2015 etc. batch], decided on 02.09.2022*** and, more particularly, he relied on the following paragraphs of the said decision:

“30. In this context, it is useful to refer to Rules 55 and 162 of the Rules, which are approved by the State Government under Section 69 of the Registration Act, 1908.

55. It forms no part of a registering officer's duty to enquire into the validity of a document brought to him for registration or to attend any written or verbal protest against the registration of a document based on the ground that the executing party had no right to execute the document: but he is bound to consider objections raised on any of the grounds stated below:-

(a) that the parties appearing or about to appear before him are not the persons they profess to be;

(b) that the document is forged;

(c) that the person appearing as a representative, assign or agent, has no right to appear in that capacity;



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(d) that the executing party is not really dead, as alleged by the party applying for registration; or

(e) that the executing party is a minor or an idiot or a lunatic.“

Rule 162 of the Registration Rules reads as follows:

“162. When registration is refused the reasons for refusal shall be at once recorded in Book 2. They will usually come under one or more of the heads mentioned below:-

I. Section 19-- That the document is written in a language which the Registering Officer does not understand and which is not commonly used in the District, and that it is unaccompanied by a true translation and a true copy.

II. Section 20--That it contains unattested interlineations, blanks, erasures or alterations which in the opinion of the Registering Officer require to be attested.

III. Section 21.---(1) to (3) and Section 22.-- That the description of the property is insufficient to identify it or does not contain the information required by Rule 18.

IV. Section 21(4).--That the document is unaccompanied by a copy or copies of any map or plan which it contains.

V. Rule 32.--That the date of execution is not stated in the document or that the correct date is not ascertainable.

VI. Sections 23, 24, 25, 26, 72, 75 and 77.--That it is presented after the prescribed time.

VII. Sections 32, 33, 40 and 43.--That it is presented by a person who has no right to present it.

VIII. Section 34.--That the executing parties or their representatives, assigns, or agents have failed to appear within the prescribed time.

IX. Sections 34 and 43.--That the Registering Officer is not satisfied as to the identity of a person appearing before him who alleges that he has executed the document.

X. Sections 34 and 40.--That the



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Registering Officer is not satisfied as to the right of a person appearing as a representative, assign, or agent so to appear.

XI. Section 35.--That execution is denied by any person purporting to be an executing party or by his agent.

Note:~When a Registering Officer is satisfied that an executant is purposely keeping out of the day with a view to evade registration of a document or has gone to a distant place and is not likely to return to admit execution within the prescribed time, registration may be refused the non-appearance being treated as tantamount to denial of execution.

XII. Section 35.--That the person purporting to have executed the document is a minor, an idiot or a lunatic.

Note:~When the executant of a document who is examined under a commission under Section 38 of the Act is reported by the Commissioner to be a minor, an idiot or a lunatic registration may be refused and it is not necessary that the Registering Officer should personally examine the executant to satisfy himself as to the existence of the disqualification.

XIII. Section 35.--That execution is denied by the representative or assign of a deceased person by whom the document purports to have been executed.

Note:-When some of the representatives of a deceased executant admit and others deny execution, the registration of the document shall be refused in toto, the persons interested being left to apply to the Registrar for an enquiry into the fact of execution.

XIV. Sections 35 and 41.--That the alleged death of a person by whom the document purports to have been executed has not been proved.

XV. Section 41.--That the Registering Officer is not satisfied as to the fact of execution in the case of a will or of an authority to adopt presented after the death of the testator or donor.

XVI. Sections 25, 34 and 80.--That prescribed fee or fine has not been paid.



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XVII. Section 230(A) of the Income Tax Act, 1961 (Act 43 of 1961).--

That the prescribed certificates from the Income Tax Officer has not been produced.

XVIII. Section 10 of the Tamil Nadu Land Reforms (Fixation of Ceiling of Land) Act, 1961 (Act 58 of 1961).--That the declaration has not been filed by the transfer.

XIX. Section 27 of the Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978 (Act 24 of 1978).--That the statement has not been filed by the transferror and transferee.

31. Hence as per Rule 55 of the rules approved by the State, the Registering Officer is bound to consider any objections as to the identity of person appearing before him as executant or authority as representing the executant or the allegation of forgery. When the Registering Authority accept any document for registration despite objections or refuse to register the document, the person aggrieved can file an appeal under Section 72 of the Registration Act. In view of the specific provision under Sections 71 to 77 of the Registration Act, the aggrieved persons may either file an appeal under Section 72 or submit an application before the Registrar as the case may be.

When the registrar refused to order the document to be registered under Section 72 or Section 76, it is open to the person aggrieved to institute a civil suit within the local limits of the whose original jurisdiction, the Registrar Office, in which, the document is sought to be registered is situate for a decree directing the document to be registered.

32. The scope of Sections 71 to 76 and the procedure to be followed were considered by the Hon'ble Supreme Court in Veena Singh's case reported in (2022) 7 SCC 1. On the combined reading of the provisions of the Registration Act and the Rules approved by the State Government of Tamil Nadu, and the other Provisions relating to Registration of Power of Attorney deed as dealt with by the Hon'ble Supreme Court in the case of Asset Reconstruction Company (India) Limited-vs-S.P.Velayutham and others, reported in 2022 SCC Online 544, the registering authority, whether he is exercising a quashi-judicial power, or performing an administrative act, the High Court is empowered to see whether he performed the duties statutorily ordained upon him in the manner prescribed by law. The Hon'ble Supreme Court in the case of Suraj Lamp and Industries (P) ltd, vs. State of Haryana, reported in (2009) 7 SCC 363, has considered the object of Registration Act, 1908. It is held that registration provides safety and security to transactions relating to immovable property and it gives publicity and public exposure to



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documents thereby prevent forgeries and frauds in regard to execution of documents. It is further held that Registration gives solemnity of form and perpetuate documents which are of legal importance or relevance by recording them, where people may see the record and enquire and ascertain what the particulars are and as far as land is concerned what obligations exist with regard to them.

Registration ensures that every person dealing with immovable property can rely with confidence upon the statements contained in the registers (maintained under Registration Act) as a full and complete account of all transactions by which title to the property can be ascertained. Any act or omission of Registrar which may interfere with the transfer or title of anyone has to be deprecated as one against public policy.”

Thus, he prays for dismissal of the present writ petition.

5. Heard both sides and also perused the material available on record.

6. At this juncture, the learned counsel for the 4th respondent submitted that the 4th respondent is ready and willing to pay a sum of Rs.10,000/- (Rupees Ten Thousand only) per month towards maintenance of the petitioner, since the 4th respondent is duty person to maintain his mother till her life time. It is also submitted that the 4th respondent would deposit the entire amount due from the date of order passed by the 2nd respondent till date, in the name of the petitioner in the interest bearing deposit, in which, the petitioner is entitled to withdraw the same and the 4th respondent would continue to pay a sum of Rs.10,000/- per month on or before 5th of every succeeding month till her life time.

7. In such view of the matter, it would be appropriate to direct the learned



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counsel for the petitioner to forward the bank details of the petitioner to the 4th respondent, so as to enable him to deposit the entire amount due payable to the petitioner. Accordingly, this Court directs the learned counsel for the petitioner to forward the bank details of the petitioner to the 4th respondent, within a period of two weeks from the date of receipt of a copy of this order. Upon receipt of the same, the 4th respondent is directed to deposit the entire amount due calculating from the date of order passed by the 2nd respondent till date and shall continue to pay a sum of Rs.10,000/- per month till the life time of the petitioner.

8. With the above observations and directions, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

12-09-2025

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No
jd



To

1. The Collector,
Tiruppur district, Tiruppur.

2. The Sub Collector,
Tiruppur District, Tiruppur.

3. The Tahsildar,
Tiruppur South Taluk, Tiruppur.



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M.DHANDAPANI J.
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AND WMP NO. 3227
OF 2019**

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