



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-02-2025

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THE HONOURABLE MR JUSTICE N. ANAND VENKATESH**WP No. 6111 of 2025 & WMP No. 6728 of 2025**

1. K.Chinnu

S/o. Kandasamy, B-17a, Veerakakaran
Street, Periyeripatti, Omalur Taluk,
Salem District.

Petitioner(s)

Vs

1. The District Registrar
Salem District.

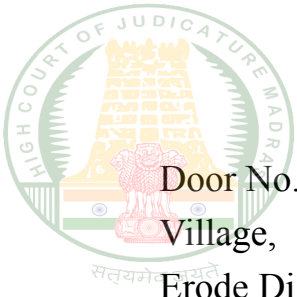
2.The Sub Registrar
Tharamangalam Sub Registration
Office, Salem District.

3.KUPPUSAMY

S/o.Kandasamy, D.No. 4-60, Molaiyan
Kattu Valavu, Amarakunthi Village,
Omalur Taluk,Salem District - 636503.

4.KALPANA

D/o. Kuppusamy, W/o Chandran,



Door No.437, Anna Nagar, Patlur
Village, Anthiyur Taluk- 638 314,
Erode District.

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5.SUDHA

D/o. Kuppusamy, W/o.Suresh, Door
No.2-374, Purudaiyan Street,
Keeraikaranur, Koonandiyur- 636 458
Mettur Taluk, Salem District.

6.PRAKASH

S/o. Kuppusamy, D. No. 4-60,
Molaiyan Kattu Valavu, Amrakunthi
Village, Omalur Taluk,
Salem District- 636 503.

Respondent(s)

PRAYER Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Declaration, to declare that the settlement deed in Doc.No.3053 of 2020 dated 06.08.2020 registered on the file of 2nd respondent as null and void and consequentially issue direction directing the 2nd respondent to cancel the said document by removing the entries in the encumbrances register.

For Petitioner(s): R.Marudhachalamurthy
For Respondent(s): Mr.U.Bharanidharan
Special Government Pleader
for R1 and R2

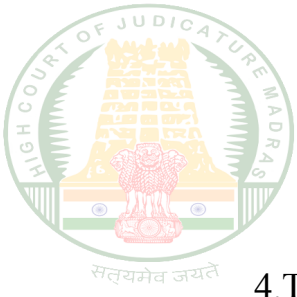
**ORDER**

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This writ petition has been filed to declare the Settlement Deed dated 06.08.2020 registered on the file of the 2nd respondent as null and void and for a consequential direction to the 2nd respondent to cancel the said document by removing the relevant entry in the Encumbrance Certificate.

2.Heard Mr.R.Marudhachalamurthy, learned counsel appearing on behalf of the petitioner and Mr.U.Bharanidharan, learned Special Government Pleader appearing on behalf of respondents 1 and 2.

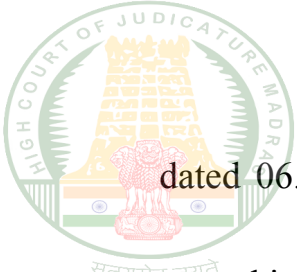
3.The main ground that was urged by the learned counsel for the petitioner is that the 4th respondent without any right or authority executed a Settlement Deed for the entire property and thereby, committed a fraud in the dealing with the entire property. On this ground, the petitioner has approached this Court seeking for declaration to declare the Settlement Deed as null and void.



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4. There is no doubt that the powers under Article 226 of the Constitution of India is very wide and the so-called limitations that are imposed are self-imposed restrictions that is imposed by the writ Court on itself. Therefore, in a case where the commission of fraud or impersonation is apparent and disregarding the same, a registering the authority has proceed further to register any document, considering the peculiar facts of the case, the Court can always exercise its jurisdiction under Article 226 of the Constitution of India. However, such exercise of jurisdiction must be far and few and it cannot be exercised in every case where the fraud is alleged by the petitioner.

5. In the case in hand, the allegation against the 4th respondent is that the 4th respondent has dealt with the entire property and executed the Settlement Deed. This issue has to be agitated only before the Civil Court by seeking for a declaration to declare the document as null and void and not binding. The same cannot be decided in a writ petition. Accordingly, except giving the liberty to the petitioner to question the Settlement Deed executed by the 4th respondent,



dated 06.08.2020 before the competent Civil Court, no further orders can be passed in this writ petition.

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6.This writ petition is disposed of with in the above terms. No Costs.

Consequently, connected miscellaneous petition is closed.

27-02-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1.The District Registrar

Salem District.

2.The Sub Registrar

Tharamangalam Sub Registration

Office, Salem District.



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N.ANAND VENKATESH J.

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