



Writ Petition No.8270 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2025

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.8270 of 2025

A.V.Mani

S/o.Late Veerappan

... Petitioner

Vs.

1.The District Registrar,
District Registrar's Office,
Kacheri Salai, Kallakurichi - 606 202.

2.The Sub Registrar,
Sub Registrar Office,
Thiyagadurugam, Kallakurichi District.

3.R.Kannan
S/o.Ranganathan

4.Minor Gokulnath
S/o.R.Kannan

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus calling for the records of the impugned order dated 28.11.2024 made in Na.Ka.No. 3568/B4/2024 passed by the first respondent and quash the same as illegal and consequently, direct the respondents 1 and 2 to restore the registered Sale Deed dated 18.08.2000 under Doc.No.1050/2020 on the file of the second respondent and necessary entry made in the index book, within a stipulated period.



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For Petitioner : Mr.D.Murugan
For Respondents : Mr.U.Baranidharan
Additional Government Pleader
[R1 & R2]

ORDER

This writ petition has been filed challenging the proceedings of the first respondent dated 28.11.2024 and for a consequential direction to the respondents 1 and 2 to restore the registered sale deed dated 18.08.2000 on the file of second respondent by making necessary entry in the index book.

2. Heard Mr.D.Murugan, learned counsel for petitioner and Mr.U.Baranidharan, learned Additional Government Pleader appearing for respondents 1 and 2.

3. The case of the petitioner is that the subject property was originally owned by Vijaya D/o.Veerappan by virtue of a sale deed dated 18.08.2000 registered as document No.1050/2000. The said Vijaya is none other than the petitioner's sister. The said Vijaya died on 14.01.2011 without any children. While so, the petitioner found that a



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fraud has been played and the third respondent by misusing the name of the petitioner's sister managed to execute a settlement deed in favour of the fourth respondent. According to the petitioner, the wife of the third respondent is Vijayalakshmi and this name was misused for creating the settlement deed in favour of the fourth respondent. Hence, the petitioner made a representation dated 14.08.2024 questioning the settlement deed. After enquiry, the first respondent, through impugned proceedings dated 28.11.2024, has converted the settlement deed into a sale deed after finding that the fourth respondent will not come within the explanation of "Family". The petitioner is aggrieved by the same since the petitioner alleges that the very settlement deed is a fraudulent document and instead of dealing with the complaint given by the petitioner, the first respondent has virtually sanctified the document by converting the settlement deed into a sale deed. Hence, the proceedings of the first respondent dated 28.11.2024 has been put to question.

4. In the considered view of this Court, the first respondent need not have undertaken the process of passing the impugned order dated 28.11.2024. The first respondent could have asked the parties to agitate the dispute before the civil Court. Instead, the first respondent



interpreted the clauses in the settlement deed based on the allegations made by the petitioner and has come to a conclusion that the settlement has been made in favour of a person, who does not come within the purview of the explanation 'Family' and has asked the parties to pay the stamp duty by considering it as a sale deed. The petitioner apprehends that this order passed by the first respondent will stand in the way of the petitioner to question the validity of the document.

5. The order passed by the first respondent will not decide the right and title over the property and at the best, it can only be construed to be an order demanding for payment of additional stamp duty by construing the document as a sale deed since the settlement was made in favour of a non-family member. As on today, the first respondent could not have gone into the validity of the document since Section 77-A of the Registration Act has been struck down by the Division Bench of this Court in ***M.Kathirvel and others v. Inspector General of Registration [2024 (4) CTC 769]***. Similarly, the first respondent cannot declare the document to be illegal even in exercise of power under Section 68(2) of the Registration Act. Therefore, the petitioner by questioning the order passed by the first respondent will not get any relief in the present writ



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petition.

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6. In the light of the above discussion, it is made clear that the order passed by the first respondent dated 28.11.2024 cannot be construed as sanctifying/legitimising the settlement deed dated 12.06.2023 registered as document No.2413 of 2023. It is always left open to the petitioner to challenge the settlement deed before the competent civil Court in the manner known to law. The order passed by the first respondent dated 28.11.2024 will not stand in the way of the petitioner questioning the document and the order passed by the first respondent will also not have any bearing before the civil Court where the settlement deed is put to challenge. These observations will sufficiently take care of the grievance expressed by the petitioner.

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

13.03.2025

Neutral Citation: Yes/No

Index: Yes/no

Speaking Order/Non-Speaking Order
gm



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N.ANAND VENKATESH, J

gm

To

- 1.The District Registrar,
District Registrar's Office,
Kacheri Salai, Kallakurichi - 606 202.
- 2.The Sub Registrar,
Sub Registrar Office,
Thiyagadurugam, Kallakurichi District.

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