

W.P(MD)No.5074 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 26.02.2025

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Writ Petition(MD)No.5074 of 2025

U.Chellammal

..Petitioner

Vs

1.The Inspector General of Registration,
No.120, Santhom High Road,
Pattinapakkam,
Chennai – 600 028.

2.The District Registrar,
North Registration District,
Y.Othakadaï,
Madurai District.

3.The Sub Registrar,
Sub Registrar Office,
Melur Town & Taluk,
Madurai – 625 106.

4.L.Meenatchi

5.M.Anandhi

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus to direct the 2nd respondent to consider petitioner's representations dated 20.01.2025 and 10.02.2025 demanding for cancel the fraudulent and colluding settlement deed executed by



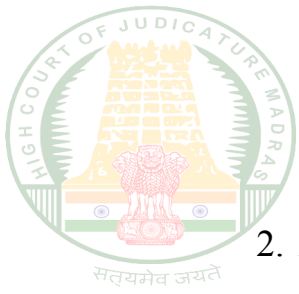
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the 4th respondent in favour of 5th respondent indeed No.4163/2024 on 04.12.2024 on the file of the Melur Sub Registrar Office, Madurai District by giving false statements before the 3rd respondent and also to take necessary criminal actions against the 4th and 5th respondents as per Sections 82 and 83 of Registration Act 1908 within time frame fixed by this Court.

For Petitioner : Mr.S.Raja Mohamed
For Respondents : Mr.M.Ramesh Arumugam
Govt. Advocate (for R1 to R3)

ORDER

The petitioner claims that the fourth respondent had executed an agreement of sale in favour of the writ petitioner on 09.10.2006. It is a registered document. Subsequently, the fourth respondent executed another agreement of sale in favour of one Prakash on 10.10.2017. This is also a registered agreement. The petitioner issued a notice to the fourth respondent calling upon her to convert the sale agreement into a sale deed. This was not agreed. Therefore, the petitioner presented O.S.No.259 of 2019 on the file of the Sub Court at Melur, seeking specific performance of the agreement of sale executed in her favour. After full trial, the learned Sub Judge dismissed the suit on 23.08.2024.

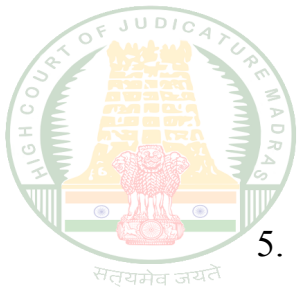


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2. Aggrieved by the said judgment and decree, the writ petitioner has preferred an appeal before the V Additional District Judge, Madurai, in A.S.No. 113 of 2024. After the presentation of the appeal, the fourth respondent had executed a settlement deed in favour of the fifth respondent, her daughter. Pleading that this settlement deed is fraudulent, the petitioner gave representations to the respondents to initiate proceedings in terms of Section 82 of the Registration Act, 1908. As that was not considered, the petitioner has come forward with the present writ petition.

3. Heard Mr.S.Raja Mohamed, for the petitioner, and Mr.N.Ramesh Arumugam, learned Government Advocate, for the respondents 1 to 3.

4. Mr.S.Raja Mohamed states that, the execution of the settlement deed by the fourth respondent in favour of the fifth respondent during the pendency of the regular appeal is a fraudulent act. He points out that from the settlement deed the fourth respondent has suppressed the pendency of the suit, and therefore, the respondents 1 to 3 are duty bound under Section 82 to initiate proceedings.



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5. Per contra, Mr.N.Ramesh Arumugam states that the settlement deed itself was registered pursuant to the order passed by this Court in W.P.(MD).No. 28145 of 2024 dated 26.11.2024. Therefore, the plea of the petitioner is untenable.

6. I have carefully considered the submissions of both sides.

7. It is not in dispute that the petitioner is not the owner of the property. She claimed that she has an agreement with one Udhayakumar, who is her husband. The owner of the property is Meenakshi. The suit for specific performance was presented before the Sub Court, Melur and the said suit, after contest, had been dismissed on 23.08.2024. The regular appeal is pending before the V Additional District Court at Madurai.

8. Any alienation made during the pendency of the suit would attract Section 52 of the Transfer of Property Act. The fact that the petitioner has an agreement with the fourth respondent does not mean that the fourth respondent is entirely barred from alienating the property of which she is the owner. Sections 82 and 83 of the Indian Registration Act empower the authority under the Act to deal with matters which fall exclusively within the jurisdiction of the



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civil court. Needless to add, in case the first appeal in A.S.No.113 of 2024 is allowed, whatever transaction that has taken place from the date of presentation of the plaint untill the judgment would automatically be bound by the said judgment and decree. When such is the position of law, I am not inclined to admit the writ petition.

9. Accordingly, this writ petition is dismissed. No costs.

26.02.2025

NCC : Yes/No

Index : Yes/No

Internet: Yes

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V.LAKSHMINARAYANAN, J.

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