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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :06.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.7266 of 2024

and

W.M.P.(MD).Nos.6695 and 6696 of 2024

Annaselvan

... Petitioner

VS.

1. The Deputy Inspector General of Registration,
Tirunelveli.

2. Bebsiboi Suseela

...Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, calling for the records of the Impugned order Na.Ka.5586/TP/2022 dated 15.02.2024 issued by the first respondent and quash the same.

For Petitioner :Mr.RM.Arun Swaminathan

For R1 : Mr.S.Saji Bino
Special Government Pleader

R-2 – No appearance

ORDER

The present Writ Petition has been filed for the issuance of a Writ of Certiorari, to quash the Impugned order dated 15.02.2024.



2. The brief facts are that the disputed property originally belonged to one Daveed Nadar. He has four legal heirs namely; Arputharaj, Leema Ponrani, Herbert Selvaraj and Hebsiboi Suseela.

3. According to the petitioners, the male legal heirs of the deceased Daveed Nadar, namely; Arputharaj and Herbert Selvaraj had entered into the oral agreement and divided the properties. Further the said Arputharaj had executed a gift deed to his wife namely; Thangam Jeyakumari through Document No. 1421 of 2019 on the file of Melur Sub Registrar, Thoothukudi District to the extent of 10.46 cents. Based on the gift deed, the said Thangam Jeyakumari sold the said property to the petitioners vide document Nos.2137, 2138 of 2019. Subsequently one of the legal heir namely; Hebsiboi Suseela has filed a complaint before the respondent stating the said document Nos.2137 & 2138 of 2019 is a fraudulent. After hearing the rival submissions, the parties were directed to approach the Civil court to resolve their dispute. Aggrieved over the same, the Hebsiboi Suseela had preferred an appeal before the Deputy Inspector General of Registration. After considering the appeal, the impugned order has been passed.

4. The petitioners are aggrieved by the impugned order since the 1st respondent has declared the document executed in favour of the petitioners and the petitioners' vendor as a fraudulent document and further directed the



respondent to entertain any deed that would be executed by the Hebsiboi Suseela and further restrained the petitioners from executing any document and directed the respondent from entertaining any document from the petitioners' side. Hence, the present Writ petition is filed.

5. The 1st respondent has filed a counter and stated that one Daveed Nadar S/o. Arumuga Nadar is entitled for 15/6 cents in S.No. 384/6A in Korrapallam Part-II Village vide a partition deed. The said Daveed Nadar died intestate leaving four legal heirs. The 1st legal heir Arputharaj without any legal partition deed settled 10.46 cents out of the above 15.6 cents out of the above 15.6 cents to his wife Thangam Jeyakumari vide document No.1421/2019, who in turn sold the above property to one Anna Selvan and Anna Vijayan through a document Nos.2137 and 2138 of 2019. The 2nd respondent herein had filed a petition before the District Registrar, Thoothukudi under 68(2) of the Registration Act. Thereafter, the District Registrar ordered to approach the civil court. Aggrieved by the same, the petitioner submitted an appeal petition to the Deputy Inspector General of Registration, Tirunelveli. The appellate authority allowed the appeal on the following grounds:

1. The property has not been properly partitioned among the legal heirs of the Daveed Nadar.
2. The Patta is a joint patta.



3. The name of the appellant is founding the patta.

4. The document was registered without considering the other co-owners.

Thereafter, the impugned order is passed. 0 The contention of the respondent is that above reasons stated in the impugned order are legally valid which was passed as per law. Hence, the 1st respondent prays to dismiss the writ petition.

6. After hearing the river submissions, this Court is of the considered opinion that the first respondent has entertained the appeal filed by the 2nd respondent and decided the title dispute. If the second respondent is agreed by the co-owners transaction regarding the disputed property, then the second respondent ought to approach the civil court. The District Registrar has rightly rejected the complaint of the second respondent and directed to approach the civil court for remedy. But the first respondent Deputy Inspector General of Registration has stated that the property has not been properly partitioned among the legal heirs and joint patta was issued and in the joint patta the second respondent name is also found place. Further, the document was registered without considering the co-owners. Literally, the first respondent has considered the appeal as civil suit and passed the order. Therefore, this Court is of the considered opinion, the impugned order cannot sustain the legal scrutiny and the same is liable to be set aside.



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7. Accordingly, the impugned order dated 15.02.2024 is hereby set aside. The petitioners vendor namely; Arputha Raj has sold only 10.46 cents. The total extent of the property is 15.46 cents. Therefore, the petitioners cannot be restrained from further dealing with the property since the registration is in favour of the petitioners. If the 2nd respondent is aggrieved, the second respondent ought to approach the Civil Court for determining the share of the four legal heirs. Therefore, liberty is granted for the second respondent to approach the Civil Court. The above observation will not be an impediment. In case the second respondent is preferring a civil civil the trial court is directed to entertain the civil suit and consider the same based on its own merits and the documents that would be submitted by the rival parties.

8. With the above observations, this Writ Petition is allowed. Consequently, connected Miscellaneous Petitions are closed. There shall be no order as to costs.

06.08.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
KSA



To:

The Deputy Inspector General Of Registration, Tirunelveli.

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S.SRIMATHY, J.

KSA

**ORDER MADE IN
W.P(MD)No.7266 of 2024**

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