



W.P.(MD).Nos.10816 of 2024 and 4398 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 06.03.2025

CORAM

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD).Nos.10816 of 2024 and 4398 of 2025
and
W.M.P.(MD).No.3150 of 2025

W.P.(MD).No.10816 of 2024

S.Navin Rengasamy

.. Petitioner

Vs.

1.The Deputy Inspector General of Registration,
Madurai Region,
Madurai.

2.The District Registrar,
Dindigul District,
Dindigul.

3.The Sub Registrar,
Iyyampalayam Sub Registration Office,
Dindigul District - 624 204.

4.R.Suresh

5.Krishnapriya Parthasarathy

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order issued by the 1st respondent vide his proceedings in Na.Ka.No.



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5556/Aa4/2023 dated 04.03.2024 and quash the same as illegal and consequently to direct the respondents No.1 to 3 to cancel the registration of the Settlement Deed registered as Document No.1145/2019 registered on the file of the 3rd respondent and for other reliefs.

For Petitioner : M/s.Krishnaveni
Senior Counsel
for Mr.S.Harish

For R-1 to R-3 : Mr.P.T.Thiraviam
Government Advocate

For R-4 : Mr.J.Lawrence

For R-5 : Mr.R.Murali
for Mr.M.Venkadesh Kumar

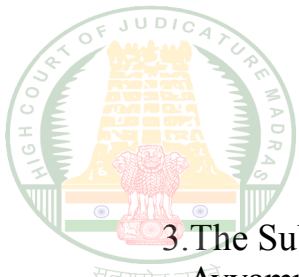
W.P.(MD).No.4398 of 2025

P.Krishnapriya

.. Petitioner

Vs.

- 1.The Deputy Inspector General of Registration,
Integrated Complex of Registration Department,
TNAU Nagar, Rajakampeeram,
Y.Othakadai,
Madurai - 625 107.
- 2.The District Registrar (Administrative),
District Registrar Office,
No.1, Dindigul East, Dindigul,
Dindigul District.



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3. The Sub-Registrar,
Ayyampalayam Sub-Registrar Office,
Shop No.13 1 2B,
Perumalkoil Street,
Ayyampalayam, Dindigul District 624 204.

4.R.Suresh

5.S.Naveen Rengasamy

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorari, to call for the records pertaining to the proceedings bearing Na.Ka.No.5556/A4/2023 dated 04.03.2024 passed by the 1st respondent and quash the same in respect of direction given therein to approach the Civil Court to render a judgment and till then preventing the petitioner from encumbering the property owned by her.

For Petitioner : Mr.R.Murali
for Mr.M.Venkadesh Kumar

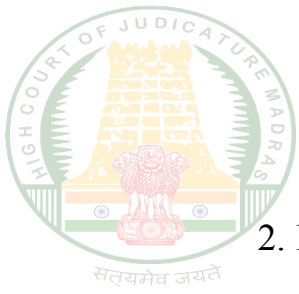
For R-1 to R-3 : Mr.R.Suresh Kumar
Additional Government Pleader

For R-4 : Mr.J.Lawrence

For R-5 : Mr.S.Harish

COMMON ORDER

W.P.(MD).No.10816 of 2024 and W.P.(MD).No.4398 of 2025 are filed challenging the very same proceedings of the first respondent. Hence, they were clubbed together by an order dated 25.02.2025.



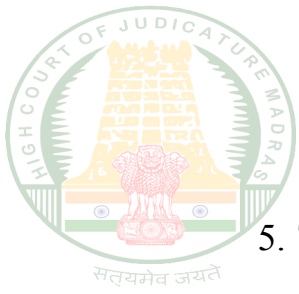
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2. For the sake of convenience, the parties are referred to as their ranks in

W.P.(MD).No.10816 of 2024.

3. The petitioner pleads that he was benefitted with a “WILL” on 10.08.2017 registered on the file of the Sub Registrar, Iyyampalayam, Dindigul District. This “WILL” had been executed by one R.Jeyalakshmi, who, according to the petitioner, is the owner of the property. The said Jeyalakshmi had divided the property into three schedules. The 'C' schedule mentioned property to the “WILL” was given as a life estate to the fourth respondent. After his life time, it would pass to the writ petitioner for life and finally, absolute right would vest in the children born to the writ petitioner. The petitioner claims that, without his knowledge, the fourth respondent executed a deed of settlement dated 30.07.2019 in favour of his aunt, one Krishnapriya Parthasarathy, who is the fifth respondent in W.P.(MD).No.10816 of 2024.

4. The plea of the writ petitioner is that as the fourth respondent has no right to alienate the property, hence, the settlement deed executed in favour of the fifth respondent is non-est, illegal and void.

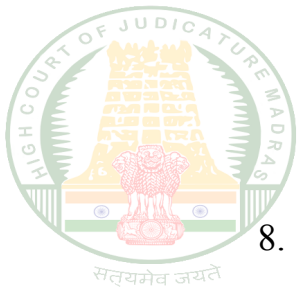


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5. The petitioner has given a representation to the second respondent on 12.03.2022, seeking to cancel the settlement deed. As the representation was pending, he moved this Court by way of a Writ Petition in W.P.(MD).No.4906 of 2022. A direction was given to dispose of the said representation within a period of twelve (12) weeks from the date of receipt of a copy of that order after hearing the fourth and fifth respondents herein. A further direction was given to the State respondents, namely, the respondents 2 and 3 herein not to receive any document of alienation of the subject property.

6. In obedience to the orders passed by this Court, the District Registrar heard the petitioner and the fifth respondent herein and dismissed the representation of the petitioner. Aggrieved by the same, the petitioner moved this Court by way of another Writ Petition in W.P.(MD).No.17292 of 2022.

7. Noticing that an appeal is maintainable from the order passed by the District Registrar, Dindigul District to the Inspector General of Registration, Madurai, this Court granted 41 days time to the petitioner to prefer an appeal and dismissed the Writ Petition.



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8. An appeal was filed before the Deputy Inspector General of Registration, Madurai Region, Madurai/the first respondent herein on 14.06.2023. The first respondent, after hearing both sides, dismissed the appeal, directing the parties to approach the jurisdictional Civil Court to work out their rights. At the time of dismissal of the appeal, the first respondent directed that there should be no further alienation of the property pending the *lis* between the parties.

9. Challenging the dismissal of the appeal in its entirety, the writ petitioner has moved W.P.(MD).No.10816 of 2024. Feeling aggrieved over the order in the nature of an injunction restraining alienation, the fifth respondent has presented W.P.(MD).No.4398 of 2025.

10. I heard Ms.Krishnaveni, learned Senior Counsel for Mr.S.Harish for the petitioner in W.P.(MD).No.10816 of 2024 and the fifth respondent in W.P.(MD).No.4398 of 2025, Mr.P.T.Thiraviam, learned Government Advocate for the respondents 1 to 3 in W.P.(MD).No.10816 of 2024, Mr.R.Suresh Kumar, learned Additional Government Pleader for the respondents 1 to 3 in W.P.(MD).No.4398 of 2025, Mr.J.Lawrence for the fourth respondent in both the



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petitions and Mr.R.Murali for Mr.M.Venkadesh Kumar for the fifth respondent in W.P.(MD).No.10816 of 2024 and the petitioner in W.P.(MD).No.4398 of 2025.

11. The narration of the facts goes to show that the writ petitioner had literally sought for a declaration that the settlement deed executed by the fourth respondent in favour of the fifth respondent on 30.07.2019 is null and void. Such a power is not available with the respondents 1 to 3. In fact, the State of Tamil Nadu attempted to confer such a power on the respondents 1 and 2. This was by amending the Registration Act by inserting Section 77A with effect from 2021. However, a Division Bench of this Court in ***M.Kathirvel Vs. Inspector General of Registration and others, 2024 (4) CTC 769***, declared the said provision as unconstitutional.

12. It is settled position of law that the Registering Authority does not perform any quasi-judicial or exercise any judicial powers at the time of registration. The power, that is exercised by the Registering Authority, is merely administrative in nature. A document which limits, creates or assigns rights, alone need to be registered. For this purpose, the offices of respondents 1 to 3



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have been created. By their act of registration, they cannot limit, assign or extinguish any right, which exists in a person.

13. I do not find any reason to take a different view than the one taken by the respondents 1 and 2, holding that being disputed questions of fact and law, the petitioner and the respondents 4 and 5 necessarily have to approach the Civil Court. The power, which is not available to them by virtue of the Section, does not get enriched by virtue of a Circular. I should hasten to add here that the Circular, which gave the power to the authorities, has also subsequently been declared as unconstitutional in *M.Kathirvel's* case. The result of this discussion is that the respondents 1 and 2 had rightly come to the conclusion that they do not have jurisdiction to declare a document to be null and void and therefore, the rejection of the petition/appeal filed by the writ petitioner does not require any interference.

14. Now turning to the Writ Petition filed by the fifth respondent (W.P. (MD).No.4398 of 2025), she is not aggrieved over the orders passed by the first and second respondents in directing the writ petitioner to approach the jurisdictional Civil Court. She is only aggrieved over the fact that an order in the nature of injunction not to alienate or encumber the property has been granted by the first respondent.



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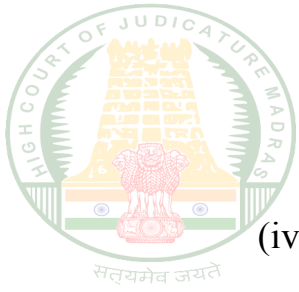
15. When powers of Civil Court are not available with the first and second respondents, a power to grant an interim order pending disposal of the suit in the nature of injunction is certainly not available to both the respondents. That portion of the order interferes with the right of a person to exercise her constitutional right under Article 300-A of the Constitution of India. Article 300-A demands that the right to property can be restricted only under the authority of law. When the first and second respondents do not have that authority, an order in the nature of injunction is certainly not sustainable.

16. In the light of the above discussion, I am inclined to pass the following order:

(i) W.P.(MD).No.10816 of 2024 stands dismissed.

(ii) W.P.(MD).No.4398 of 2025 stands allowed. The impugned order is set aside, insofar, as it restrains the petitioner not to present any document of alienation.

(iii) It is open to the petitioner as well as the respondents 4 and 5 to approach the jurisdictional Civil Court to work out their rights.



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(iv) It is open to the writ petitioner in W.P.(MD).No.10816 of 2024 to point out to the Civil Court regarding these Writ Petitions and if permissible, to claim exemption under Section 14 of the Limitation Act.

(v) There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

06.03.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm

To

1.The Deputy Inspector General of Registration,
Madurai Region,
Madurai.

2.The District Registrar,
Dindigul District,
Dindigul.

3.The Sub Registrar,
Iyyampalayam Sub Registration Office,
Dindigul District - 624 204.



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V.LAKSHMINARAYANAN,J.

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