

W.P.(MD)No.11602 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No. 11602 of 2025

and

W.M.P(MD)No.8585 of 2025

1.M.Lawrence,
2.Laisamerry

...Petitioners

Vs.

1. The Inspector General of Registration, 100,
Santhome High Road, Mullima Nagar,
Mandavelipakkam, Raja Annamalai Puram,
hennai, Tamil Nadu 600 028.

2. The District Registrar (Administration),
Registration Department
Kanniyakumari District.

3. The Sub Registrar,
Munchirai Sub Registrar Office.
Kanniyakumari District.

4. Maria Rethina Bai

...Respondents

PRAYER : Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorari, Calling for the records pertaining to the impugned proceedings issued by the 2nd respondent in No.3095/J/2022 dated 28.02.2023 and quash the same as



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illegal and unconstitutional and pass such further or other orders as this Honble Court may deem fit and proper in the circumstances of the case and thus render justice.

For Petitioner : M/s. A.R.Kannappan

For Respondents : Mr.D.Sasikumar,
Additional Government Pleader,
For R1 to R3.
M/s.A.Mohamed Haneef,
For R4

ORDER

The present Writ Petition has been filed challenging the impugned proceedings issued by the 2nd respondent in No.3095/J/2022 dated 28.02.2023.

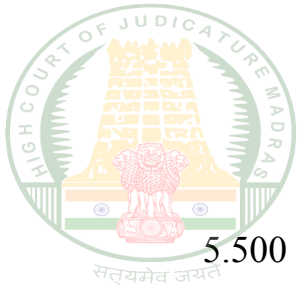
2. Through the impugned order, the respondents have declared the Doc.No.380 of 2022 and 381 of 2022 as fraudulent documents. Aggrieved over the same, the present writ petition is filed. The brief facts are that the property in S.No.252 of 13 to an extent of 51 cents situated at Keezhkulam 'A' Village, Killiyoor Taluk, Kanyakumari District, originally belongs to the petitioner's paternal grandfather namely Rayappan Nadar and his brother namely Rayan Nadar. After the demise of both the persons, the property devolved upon the petitioner's father namely Meyyal



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Nadar and his brother Muthaiyan Nadar. The said Muthaiyan Nadar is the father of the second petitioner. Both Meyyal Nadar and Muthaiyan Nadar was having share $12 \frac{3}{4}$ th share totally $25 \frac{1}{2}$ cents. Whereas the 4th respondent's father namely Rayan Nadar was having $25 \frac{1}{2}$ cents out of 51 cents.

3. While that being so, the fourth respondent's mother Inesi Nadachi who is the wife of Rayan Nadar had executed a settlement deed in favour of her daughter namely the fourth respondent herein in Doc.No.1262 of 1975. In turn, the fourth respondent had executed two settlement deeds in favour of her sons namely Leyon Durai in Doc.No.1496 of 2020 and Merlin Durai in Doc.No.1497 of 2020 with respect of $25 \frac{1}{2}$ cents each totally 51 cents which includes the petitioner's shares by creating forged documents with the help of the 4th respondent's husband namely Chelladurai. The fourth respondent has no right over the property in respect of $25 \frac{1}{2}$ cents in S.No.252/13. The second petitioner's father Muthaiyan has executed settlement deed in favour of second petitioner to an extent of 5.500cents in S.No.252/13 out of 24.5 Ares vide Doc.No.381 of 2022 dated 29.01.2022. The first petitioner's mother and his sister have jointly executed a release deed in favour of the petitioners to an extent of



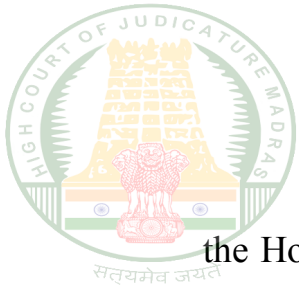
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5.500 cents in respect of S.No.252/13 out of 24.5 Ares in Doc.No.381/22

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on 29.01.2022. Hence, both the petitioners derived title from their ancestral property, whereas, the fourth respondent by creating forged documents and executed two settlement deeds in favour of his sons which is illegal and arbitrary. Hence, the 4th respondent had submitted a representation under section 77A to cancel the release deed executed in favour of the first petitioner and the second petitioner. On the basis of the said complaint, the second respondent called the parties to submit statement stating that the fourth respondent has executed two settlement deeds by creating forged documents including the petitioner's share and requested to cancel the two settlement deeds. While considering the same, the second respondent cancelled the settlement deed executed in Doc.No.380/2022 and release deed in Doc.No.381/2022 against which the petitioners preferred an appeal and the same was declined to be entertained by the first respondent and directed the petitioners to approach the Civil Court. Hence the present Writ Petition.

4. After hearing the submissions, this court is of the considered view that when the respondents declined to entertain the appeal filed by the petitioners by stating reason that Section 77A was struck down by



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the Hon'ble Division Bench of this Court, then the respondents ought not

to have cancelled settlement deed which was executed in Doc.No.

380/2022 and release deed executed in Doc.No.381/2022 . In fact the

said documents was cancelled under section 77A of the Registration Act

when the respondents are not having power under Section 77A to cancel

Doc.No.380/2022 and 381/2022. Therefore, the same is illegal and the

said two documents have to restore on file. Accordingly, the petitioners as

well as the 4th respondent ought to approach the civil Court for

cancellation of document and for appropriate relief. However, it is made

clear that the cancellation of Document in Doc.No.380/2022 and

381/2022 is illegal and the same have to restore on file.

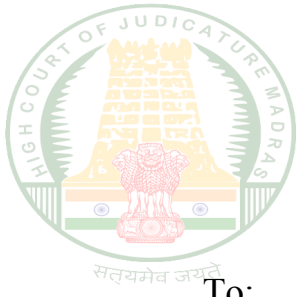
5. With the above said observations, this Writ petition is disposed of. No costs. Consequently connected miscellaneous petition is closed.

08.08.2025

NCC : Yes / No

Internet : Yes

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hennai, Tamil Nadu 600 028.
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S.SRIMATHY, J.

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**ORDER MADE IN
W.P(MD)No. 11602 of 2025**

DATED : 08.08.2025