



W.P(MD)No.13432 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.13432 of 2024

R.Muthurajan

.. Petitioner

Vs.

1. The Deputy Inspector General,
Registration Department,
Deputy Inspector General Registration Office,
Madurai Region, TNAU Nagar, Rajakambeeram,
Y.Othakadai, Madurai 625 107.

2. The District Registrar (Administration),
Madurai South, Madurai District.

3. The Joint Sub Registrar No.IV,
Madurai South, Madurai District.

4. V. Priya

5. R.Thiruvengkatacharry

.. Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Ceritorarified Mandamus, to call for the records relating to the Impugned Order Na.Ka.No.12658/Aa4/2024 dated 26.02.2024 passed by the 1st Respondent and to quash the same as illegal and to direct the Respondents 1 to 3 to forbear from rejecting to register any document on the ground of matter is in subjudice (O.S.No.44/2022) pending on the file of the I-Additional District Munsif Court, Madurai, presented by the Petitioner in future in respect of the building property situated in D.No.46, Perumal Kovil Agraharam, Corporation Ward 79, T.S.No.1025, Block 8, Survey Ward 4, Madurai



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Town and consequently, to direct the Respondents 1 to 3 to remove the endorsement made in the II-Schedule of Documents Nos.5190 of 2014 and 11537/2022, which was made by the 3rd Respondent as per the direction of the 1st Respondent passed in Impugned Order in Na.Ka.No.12658/Aa4/2024 dated 26.02.2024.

For Petitioner : Mr.V.Santhakumaresan
For Respondents : Mr.S.Saji Bino
Special Government Pleader for R1 to R3
: Mr.B.Sekar for R4

ORDER

This Writ Petition has been filed for the issuance of a Writ of Certiorarified Mandamus, to quash the Impugned Order Na.Ka.No. 12658/Aa4/2024 dated 26.02.2024 passed by the 1st Respondent and to direct the Respondents 1 to 3 to forbear from rejecting to register any document on the ground of matter is in subjudice (O.S.No.44/2022) pending on the file of the I-Additional District Munsif Court, Madurai, presented by the Petitioner in future and consequently, to direct the Respondents 1 to 3 to remove the endorsement made in the II- Schedule of Documents Nos.5190 of 2014 and 11537/2022, which was made by the 3rd Respondent as per the direction of the 1st respondent passed in impugned order in Na.Ka.No.12658/Aa4/2024 dated 26.02.2024.

2.The brief facts are that the property situated in Perumal Kovil, Agraharam in Ward No.79 to an extent of 880 sq.ft which originally belonged to



one Janaki Ammal, The said Janaki Ammal executed a registered deed dated 04.02.1945 in respect of the building property in favour of one of her daughters namely Lakshmi Ammal. In the deed, the Janaki Ammal transferred only life interest and not conveyed absolute title as per her Will Deed No.7/1945.

3.The Will further states that the title and ownership of Janaki Ammal shall transfer to Lakshmi Ammal's children. If the Lakshmi Ammal did not have any issue then the property would revert back to Janaki Ammal's legal heirs. The said Lakshmi Ammal was not having any children, hence, the petitioner being the only surviving heir of Janaki Ammal has inherited the property. But the said Janaki Ammal adopted the 5th respondent on 28.01.1982 through registered Adoption Deed No.47/1982. But the 5th respondent has not inherited the title of the property through will deed Doc.No.7/1945 and the adoption deed No.47/1982. While that being so, the 5th respondent had executed settlement deed No.5190/2014 dated 06.06.2014 in favour of the 4th respondent who is the wife of the 5th respondent. Hence, the petitioner filed a complaint before the 2nd respondent.

4.After hearing both sides, the 2nd respondent has cancelled the settlement Doc.No.5190 of 2014. Aggrieved over the same, the respondents 4 and 5 preferred an appeal to the 1st respondent. Even though the 1st respondent has



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confirmed the order through the impugned order dated 26.02.2024, the 1st respondent has restrained the petitioner from selling the property. The 1st respondent had directed the 3rd respondent not to register any document presented in future and also ordered to make an endorsement in Schedule 2 on the file of the 3rd respondent. Aggrieved over the same, the present writ petition is filed.

5. Heard the learned Counsels on both sides and perused the records.

6. The respondents 4 and 5 have not filed any suit or any appeal against the impugned order. Through the impugned order, the 1st respondent having confirmed the settlement deed No.5190/2014 as fraudulent. When that being so, the 1st respondent ought not to have restrained the petitioner from dealing with the property. Once the settlement deed executed by the respondents 4 and 5 is held as fraudulent, consequently, the petitioner being the owner of land is entitled to deal with the property.

7. Therefore, that portion of the impugned wherein it is directing the 3rd respondent not to register and to make an endorsement in Schedule 2 alone is set aside. If the respondents 4 and 5 are aggrieved, they are at liberty to file a suit and the parties shall adhere to the judgment of the suit. Therefore, the impugned order is set aside to the extent stated supra.



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8.With the above said observations, the writ petition is partly allowed. No costs.

08.08.2025

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

Tmg

To

1. The Deputy Inspector General,
Registration Department,
Deputy Inspector General Registration Office,
Madurai Region, TNAU Nagar, Rajakambeeram,
Y.Othakadai, Madurai 625 107.
2. The District Registrar (Administration),
Madurai South, Madurai District.
3. The Joint Sub Registrar No.IV,
Madurai South, Madurai District.



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S.SRIMATHY, J.

Tmg

**ORDER MADE IN
W.P(MD)No.13432 of 2024**

DATED : 08.08.2025