



W.P(MD)No.13702 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.01.2025

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.13702 of 2024

Jeba Wilsini

... Petitioner

Vs

1.The District Registrar,
Nagercoil,
Kanyakumari District.

2.The Joint Sub Registrar No.I,
Nagercoil,
Kanyakumari District.

3.Amuthaiyan

4.Dharma Maria Seela

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus directing the first respondent to cancel the settlement deed in Document No.1419 of 2024 dated 17.04.2024 on the file of the second respondent by considering the petitioner's representation dated 12.04.2024.

For Petitioner : Mr.N.Madhava Govindhan

For RR 1 & 2 : Mr.D.Sadiq Raja
Additional Government Pleader

For R – 4 : Mr.Paranjothi



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ORDER

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This Writ Petition has been filed by the petitioner for a direction directing the first respondent to cancel the settlement deed in Document No.1419 of 2024 dated 17.04.2024 on the file of the second respondent.

2.The petitioner alleges that the fourth respondent has no title over the property and even then, he obtained title over the subject property. That apart, the petitioner submitted objections while presentation of settlement deed executed by the fourth respondent for registration. Without even considering the objection, the registering authority mechanically registered the same. Therefore, the specific contention of the petitioner is that the fourth respondent had no title over the property to execute the settlement deed executed in favour of her daughters comprised in Survey Nos. 2241/A and 2161/A and new Survey No.58/4 to an extent of 0.55.5 acres under patta No.1250 situated at Vaddiveswaram Village, Agasteeswaram Taluk, Kanyakumari District. Therefore, the petitioner submitted a representation to the second respondent to cancel the document.



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3.The registering authority has no power of jurisdiction to cancel any document since the provision under Section 77-A of the Registration Act, 1908 now declared as unconstitutional by the Hon'ble Division Bench of this Court. However, the first respondent can take action under Sections 82 and 83 of the Registration Act, 1908. In view of the above, the first respondent is directed to conduct enquiry on the complaint lodged by the petitioner, after issuance of notice to the petitioner and the respondents 3 and 4 and also affording an opportunity of hearing to them and pass appropriate orders, on merits and in accordance with law, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

4.With the above direction, this Writ Petition is disposed of. There shall be no order as to costs.

31.01.2025

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



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To

- 1.The District Registrar,
Nagercoil,
Kanyakumari District.
- 2.The Joint Sub Registrar No.I,
Nagercoil,
Kanyakumari District.



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G.K.ILANTHIRAIYAN, J.

ps

Order made in
W.P(MD)No.13702 of 2024

31.01.2025