



W.P.(MD)No.4563 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 20.02.2025

CORAM

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

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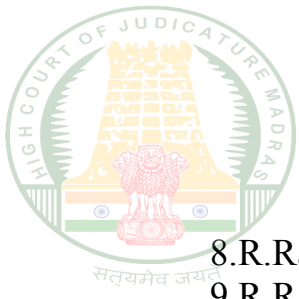
R.Sivakumar

... Petitioner

VS.

- 1.The Inspector General of Registration,
Inspector General Office,
Chennai 600 028.
- 2.The Deputy Inspector General of Registration,
The Deputy Inspector General of Registration Office,
Tirunelveli District.
- 3.The District Registrar (Admin),
District Registrar Office, Palayamkottai,
Tirunelveli District.
- 4.The Sub Registrar,
Sub Registrar Office,
Tisayanvilai, Tirunelveli District.
- 5.The Sub Registrar,
Sub Registrar Office Pettai,
Tirunelveli District.
- 6.H.Ganapathy Ammal
- 7.R.Hariharan

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8.R.Ravindran

9.R.Radha

... Respondents

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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents 1 to 5 to take action against the respondents 6 to 9 on the petitioner complaint dated 20.12.2024 given to the respondents 1 to 5 under Sections 82 and 83 of Registration Act after affording due opportunity to private respondents.

For Petitioner	: Mr.R.Sivakumar (Party-in-person)
For R1 to R5	: Mr.R.Suresh Kumar Additional Government Pleader

ORDER

Heard party-in-person and Mr.R.Sureshkumar, learned Additional Government Pleader, who takes notice on behalf of the respondents 1 to 5.

2. The facts leading to this writ petition, as disclosed in the affidavit are that the sixth respondent, namely, Thirumathi. Ganapathy Ammal is the owner of certain properties. The petitioner, namely, Sivakumar is her eldest son. The respondents 7 and 8 are his younger

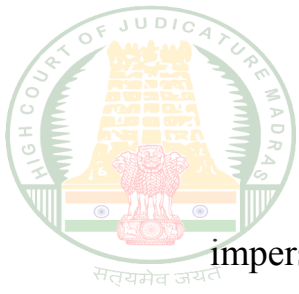


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siblings. The ninth respondent is the wife of eighth respondent, the sister-in-law of the writ petitioner. The petitioner pleads that the sixth respondent had settled certain properties in his name. Subsequently, she cancelled the said settlement deed, albeit unilaterally, and executed another settlement deed in favour of her other sons. The petitioner pleads that the eighth respondent had settled the property, which was given to him by Ganapathy Ammal, in favour of his wife, ninth respondent. The petitioner also concedes that some portions of the property, which had been allotted to him by Ganapathy Ammal, were transferred by him in favour of his wife and children, who have in turn alienated a smaller extent in favour of a third party.

3. He urges that the eighth respondent had presented a suit for partition and separate possession and the same had been dismissed by the civil Court. He adds that on account of the disputes that have arisen between himself and the respondents 6 to 9, he is unable to enjoy the property that has been settled in his favour by the sixth respondent. Hence, he gave a complaint to respondents 1 to 5 to initiate action as against the respondents 6 to 9 for having committed acts of fraud,



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impersonation, etc. As no action has been initiated by the respondents 1 to 5, he is before this Court seeking for a writ of mandamus.

4. Mr.R.Suresh Kumar states that this is an *inter se* civil dispute between the petitioner and the respondents 6 to 9. He argues the Registration Act does not empower the respondents 1 to 5 to resolve the civil disputes between the parties. He further points out that the power to declare a document as fraudulent under Section 77A of the Registration Act has been declared as unconstitutional by a Division Bench of this Court in ***M.Kathirvel Vs., The Inspector General of Registration and others 2024 (4) CTC 769***. Hence, he states as the respondents 1 to 5 do not possess the jurisdiction to deal with disputes between the private parties, the prayer is untenable.

5. I have carefully considered the submissions of the party-in-person as well as Mr.R.Suresh Kumar.

6. The plea of the petitioner is that he has secured rights over certain properties, which have been farmed out to him by his mother by



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way of a settlement deed. He pleads that unilaterally, the said settlement deed has been cancelled by the sixth respondent. Whether the sixth respondent had reserved to herself the right to cancel the settlement deed or whether the unilateral cancellation is null and void, are matters, which exclusively fall within the jurisdiction of the civil Courts. The Registration Act does not empower the respondents 1 to 5 to probe into the matters of title or to declare document as void.

7. The plea that unilateral cancellation ought not to have been registered by the jurisdictional Sub Registrar, cannot be considered, as on the date of the cancellation, there was no judgment covering the field. The law was declared much later. The effect of the judgment is that there cannot be an unilateral cancellation. In fact, the petitioner has not challenged the deed in this writ petition. Further, Section 22A(3) of the Registration Act was also brought into force much after the settlement deed had been cancelled by the sixth respondent in the year 2011.

8. If the original of the settlement deed that had been executed by the sixth respondent in favour of the writ petitioner has transferred title,



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then the remedy for the petitioner is to approach the civil Court seeking for declaration of his title with the relief of injunction or recovery of possession as the case may be. That being the position of law, I am not in a position to give a direction that the party-in-person seeks for. By way of a writ petition, I cannot confer a jurisdiction on an authority, which a statute has not conferred. It is open to him to approach the jurisdictional civil Court seeking for the aforesaid reliefs.

9. With the above observation, this Writ Petition is dismissed. No costs.

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

20.02.2025

To

- 1.The Inspector General of Registration,
Inspector General Office,
Chennai 600 028.
- 2.The Deputy Inspector General of Registration,
The Deputy Inspector General of Registration Office,
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3. The District Registrar (Admin),
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V. LAKSHMINARAYANAN, J.

Rmk

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