



W.P.(MD)Nos.31488 & 31490 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **02.01.2025**

CORAM:

THE HONOURABLE **MR.JUSTICE G.K.ILANTHIRAIYAN**

W.P.(MD)Nos.31488 & 31490 of 2024

and

W.M.P.(MD)Nos.26359 & 26363 of 2024

Parvathi

... Petitioner in both W.Ps

/Vs./

1. The Inspector General of Registration,

O/o. Inspector General Office,
No.100, Santhome High Road,
Raja Annamalaipuram,
Chrompet, Chennai 28.

2. The District Registrar

O/o. the District Registrar Office,
Karaikudi, Sivagangai District

3. The Sub Registrar

Ponnamaravathi Taluk,
Pudukkottai District

4. A.Solaiyappan,

... Respondents in both W.Ps

PRAYER in W.P.(MD)No.31488 of 2024 : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned refusal slip Number RFL/ Ponnamaravathi / Book 2/ 3 dated 27.11.2024 on the file of the third Respondent and quash the same as illegal and consequently



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direct the third respondent to register and release the settlement deed as pending document no. 113 of 2024 dated 05.11.2024 executed by the petitioner in favour of her son namely A.Murugesan.

PRAYER in W.P.(MD)No.31490 of 2024 : 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 entry in Document No.1194/2021 dated 15.06.2021 property in S.F.No.596/7 at Ponnamaravathi (East) Village, Ponnamaravathi Taluk, Pudukkottai District, measuring with an extent of 0.08.5 Ares 21 Cents, made against the petitioner and quash the same as illegal and consequently, direct the third respondent to remove the entry from the encumbrance certificate, within the time stipulated by this Court.

(In both W.Ps)

For Petitioner : Mr.R.Jegadeeswaran

For Respondents : Mr.D.Sadiq Raja

Additional Government Pleader for R1-3

COMMON ORDER

W.P.(MD)No.31488 of 2024 has been filed challenging the order passed by the third respondent dated 27.11.2024, thereby refused to register the settlement deed executed by the petitioner in favour of her husband in respect of the property comprised in S.F.No.596/7 situated at



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Ponnamaravathi (East) Village, Ponnamaravathi Taluk, Pudukkottai District, to an extent of 0.08.5 Ares.

2. W.P.(MD)No.31490 of 2024 has been filed to quash the impugned entry in Document No.1194/2021 dated 15.06.2021, in S.F.No. 596/7 situated at Ponnamaravathi (East) Village, Ponnamaravathi Taluk, Pudukkottai District, to an extent of 0.08.5 Ares 21 Cents, made against the petitioner and consequently, direct the third respondent to remove the entry from the encumbrance certificate.

3. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

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4. The petitioner had purchased the subject property by the registered sale deed vide document No.1194/2021 dated 15.06.2021 from one Murugesan. Thereafter, the said Murugesan and the petitioner submitted rectification deed and the same was also registered vide document No.1316/2021. Thereafter, the petitioner came to know that



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the very same subject property was purchased by her son, viz., the fourth respondent herein, by the registered sale deed dated 21.12.2000 vide document No.1921/2000. Therefore, the petitioner submitted a complaint under Section 77-A of the Registration Act, before the second respondent. The second respondent vide an order dated 10.12.2021 cancelled the sale deed, which was purchased by the petitioner, vide document No.1194/2021, on the ground that the petitioner's vendor had no title over the property, since already it was sold in favour of the fourth respondent. Aggrieved by the same, the petitioner filed a Writ Petition in W.P.(MD)No.8452 of 2024 before this Court and this Court by order dated 13.06.2024, directed the petitioner to approach the civil Court for appropriate relief. The fourth respondent filed a suit in O.S.No.15 of 2023 on the file of the District Munsif cum Judicial Magistrate, Thirumayam, for injunction and mandatory relief for change of patta in his name and subsequently, the said suit was dismissed as withdrawn. The sale deed registered in favour of the fourth respondent is in very much existence, the petitioner now executed settlement deed in favour of her husband in respect of the very same property. She also filed a Writ Petition in W.P.(MD)No.31490 of 2024, to remove the entry of the sale



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deed registered in favour of the fourth respondent. The petitioner failed to approach the civil Court for appropriate relief as directed by this Court in W.P.(MD)No.8452 of 2024 by order dated 13.06.2024. Therefore, the order passed by the second respondent dated 10.12.2021 is very much in force. Therefore, the petitioner had no title over the property to execute the settlement deed in favour of her husband. Therefore, the third respondent rightly refused to register the settlement deed presented by the petitioner for registration.

5. In view of the above, W.P.(MD)No.13488 of 2024 is devoid of merit and the same is liable to be dismissed, accordingly dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

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6. Since the petitioner had no title over the property, the request made by the petitioner to remove the entry made in the book of records with regards to the declaration of the document No.1194/2021 as null and void does not arise.



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7. In view of the above, W.P.(MD)No.13490 of 2024 is devoid of merits and liable to be dismissed, accordingly dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

02.01.2025

Internet : Yes/No
NCC : Yes / No
LS

TO:-

1. The Inspector General of Registration,
O/o. Inspector General Office,
No.100, Santhome High Road,
Raja Annamalaipuram,
Chrompet, Chennai 28.
2. The District Registrar
O/o. the District Registrar Office,
Karaikudi, Sivagangai District
3. The Sub Registrar
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G.K.ILANTHIRAIYAN, J.

LS

Order made in
W.P.(MD)Nos.31488 & 31490 of 2024

Dated:
02.01.2025