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WP Nos. 19337 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-12-2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

WP No. 19337 of 2022

&

W.M.P.Nos.18612 and 18617 of 2022

Dr.S.Syed Inayath

... Petitioner

Vs

1. The Inspector General of Registration

Department of Registration

No.100, Santhome High Road

Chennai – 600 028

2. The District Registrar

Department of Registration

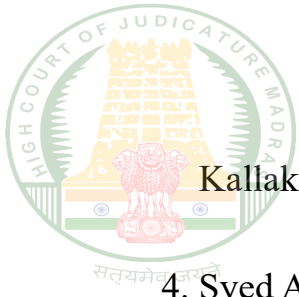
Kallakurichi

Kallakurichi District

3. The Sub-Registrar

Thiyagadurgam

Kallakurichi



Kallakurichi District

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4. Syed Ameer

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5. Syed Azim

6. Syed Idayadullah

7. Syed Saleem

8. Syed Humayun

9. Syed Apsar

... Respondents



Common prayer: Writ Petitions filed under Article 226 of Constitution of India for issuance of writ of certiorari calling for the records in Lok Adalat Award in L.A.C.No.1128 of 2022 dated 21.06.2022 on the file of Lok Adalat organised by Taluk Legal Services Committee, Kallakurichi pertaining to O.S.No.286 of 2022 registered on the file of the Additional Sub-Court, Kallakurichi and the consequential registration of above Lok Adalat Award as Document No.L17 / 2022 dated 15.07.2022 on the file of third respondent in Index No.2 of its Registry and quash the same.

For Petitioner(s): Mr.S.Sathiaseelan

For Respondents: Mr.Stalin Abhimanyu
Additional Government Pleader
for R1 to R3

Mr.M.Hariharan for R4 to R9

ORDER

The present writ petition has been filed to quash the Lok Adalat Award in L.A.C.No.1128 of 2022 dated 21.06.2022 pertaining to O.S.No.286 of 2022 registered on the file of the Additional Sub-Court, Kallakurichi and the consequential registration of above Lok Adalat Award as Document No.L17/2022 dated 15.07.2022 on the file of the third respondent in Index No.2 of its Registry.



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2. It is the case of the petitioner that an immovable property measuring an extent of 3.11 cents in Prithivimangalam Village, Thiyaadurgam Sub-Division, Kallakurichi District was owned by one Jehrabi. The said Jehrabi executed a registered Will dated 25.08.2021 in favour of petitioner's vendor Shamsadbee. On the death of Jehrabi on 11.12.2021, the Will came into effect and Shamsadbee sold the property to the petitioner herein vide a sale deed dated 25.04.2022 bearing Document No.1533 of 2022 and the petitioner became the absolute owner of the property. When things stood thus, Respondents 4 to 9 herein filed a collusive suit in O.S.No.286 of 2022 on the file of Additional Sub-Court, Kallakurichi seeking partition on the basis of an unregistered Will dated 27.10.2020 by arraying Respondents 4 to 6 as plaintiffs and Respondents 7 to 9 as defendants and subsequently, they clandestinely obtained an award from Lok Adalat as if they have settled the dispute among themselves and approached the third respondent for registering the Lok Adalat Award.

3. It is the contention of the learned counsel for petitioner that respondents 4 to 9 obtained the Lok Adalat award by playing fraud and



suppressing material facts and in view of the Lok Adalat award, the petitioner is not in a position to deal with the property.

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4. Though Respondents 4 to 9 have entered appearance through counsel, they have not chosen to file counter affidavit. The third respondent alone has filed the counter affidavit. According to third respondent, the petitioner is also a party to the proceedings and therefore, the award is binding on the petitioner.

5. I have carefully considered the rival submissions and perused the materials placed before this Court.

6. Admittedly, the petitioner purchased the property on 25.04.2022. The award came to be passed on 21.06.2022 and the same was registered in Document in L.No.17 of 2022 on 15.07.2022. It is relevant to note that the petitioner traces title based on the Registered Will dated 25.08.2021 said to have been executed in favour of one Shamsadbee by Jehrabi and private respondent 4 to 9 traces their title on the basis of unregistered Will said to have been executed by said Jehrabi on 27.10.2020 and filed a partition suit among themselves and



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later got it settled by way of an award in the Lok Adalat and registered the award on the file of Sub-Registrar, Thiyyagadurgam, Kallkurichi. The petitioner has also not been made a party in the suit filed by Respondents 4 to 9. Any award passed in the suit, in which the petitioner is not a party, will not have any impact on the writ petitioner's title and will not be binding on the writ petitioner. If Respondents 4 to 9 wants to establish their title, they will have to file a suit against the petitioner in a competent civil Court.

With the above direction, this writ petition is disposed of. Consequently, the connected miscellaneous petitions are closed. There shall be no order as to costs.

01-12-2025

Index: Yes/No

N/C: Yes/ No

Speaking order/Non-speaking order
gpa

To

1. The Inspector General of Registration
Department of Registration
No.100, Santhome High Road



Chennai – 600 028

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2. The District Registrar

Department of Registration

Kallakurichi

Kallakurichi District

3. The Sub-Registrar

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