

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2015

CORAM

THE HONOURABLE Mr. JUSTICE T.S. SIVAGNANAM

W.P.No.30370 of 2013 &
M.P.No.2 of 2013

1.G.Rajammal
2.V.YTogeswari
3.K.Sugumaran .. Petitioners

Vs

1. The Sub Registrar
Purasavakkam,
Chennai-7.
2. S.Ravichandran
3. V.Subiramani ... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for a writ of Certiorarified Mandamus calling for the records of Document No.2664 of 2009 dated 23.07.2009 registered before the first respondent by the third respondent as illegal and quash the same and consequently direct the first respondent to restore Mortgage deed No.3414 of 2008 on 10.09.2008 in the name of the petitioners by considering the petitioner representation dated 05.10.2013.

For Petitioners : M/s.I.Arockiaselvaraj

For Respondents : Mr.M.L.Mahendran, Govt. Advocate for R1
Mr.P.Satheeshkumar for R2
Mr.S.Ayyathurai for R3

ORDER

Heard Mr.I.Arockiaselvaraj, learned counsel for the petitioner and Mr.M.L.Mahendran, learned Government Advocate for the for the first respondent and Mr.P.Satheeshkumar for R2 and Mr.S.Ayyathurai for R3.

2. The petitioner seeks for the writ of Certiorarified Mandamus calling for the records of Document No.2664 of 2009 dated 23.07.2009 registered before the first respondent by the third respondent as illegal and quash the same and consequently direct the first respondent to restore Mortgage deed No.3414 of 2008 on 10.09.2008 in the name of the petitioners by considering the petitioner representation dated 05.10.2013.

3. It is seen that the property which was initially owned by the second respondent was mortgaged to the writ petitioners. The second respondent acquired title to the property pursuant to the settlement deed executed by his father in his favour, namely, third respondent herein.

4. After mortgage deed executed in favour of the petitioners, the third respondent / father unilaterally cancelled the settlement deed executed in favour of the second respondent, vide document No.2664/2009. The second respondent filed a suit in O.S.No.5279 of 2013 to declare the cancellation deed registered as document No.2664/2009 as null and void. The suit has been decreed in favour of the second respondent by judgment and decree dated 02.08.2014.

5. In the light of the above, the relief sought for in the writ petition seeks to quash the document No.2664 dated 23.07.2009 registered before the first respondent by the third respondent is hereby set aside. Hence, the writ petition is partly allowed. It is also brought to the notice of this Court that the third respondent has filed A.S.No.369 of 2014 before the City Civil Court, Chennai, challenging the judgment and decree passed in O.S.No.5279 of 2013 and however, there is no stay granted by the Appellate Court. It is open to the petitioners to workout their rights in the manner known to law. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

The Sub Registrar
Purasavakkam,
Chennai-7.

सत्यमेव जयते

+ 1 cc to the Government pleader SR.11276

TS(CO)
EU 18.03.2015

W.P.No.30370 of 2013 &
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