

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.02.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.5091 of 2016

S.Kannan

.. Petitioner

Vs.

1. The Inspector General of Registration,
No.100, Santhome High Road,
Chennai-600 028.
 2. The District Registrar,
North Chennai,
No.1, Murthygal Lane,
Chennai-600 001.
 3. The Sub-Registrar,
Red Hills,
Chennai-600 052.
 4. Mr.S.Vasantha Murali
 5. Smt.V.Gayathri
- ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents 1 to 3 to dispose of the representation given by the petitioner on 23.12.2015 and cancel the fraudulent settlement deed, dated 18.11.2015 bearing Doc.No.11223/2015, SRO, Red Hills, executed by fourth respondent in favour of fifth respondent.

For Petitioner : Mr.V.Bhiman for M/s.Sampathkumar
and Associates

For Respondent : Mr.M.Dig Vijay Pandian, Addl.G.P.

ORDER

The petitioner has filed this Writ Petition for issuance of a Writ of Mandamus to direct the respondents 1 to 3 to dispose of the representation given by the petitioner on 23.12.2015 and cancel the fraudulent settlement deed, dated 18.11.2015 bearing Doc.No.11223/2015, SRO, Red Hills, executed by fourth respondent in favour of fifth respondent.

2. The petitioner has averred in the affidavit filed in support of the Writ Petition that his father Shri.P.P.Srinivasan was the sole and absolute owner of the entire house and premises at Old No.13, New No.15, Periyar Street, R.G.N.Colony, Red Hills, Chennai-600 052, comprised in S.No.86/1A1 as per Old Patta No.140, presently R.S.No.86/77, measuring an extent of 2065 Sq.Ft., which was obtained by his father under a sale deed, dated 03.05.1976, bearing Doc.No.933/1976 registered in the Office of SRO, Ambattur and he settled the said property absolutely in favour of the petitioner on 15.02.1996, vide Doc.No.629/1996 in SRO, Red Hills and the patta was also transferred in the name of the petitioner in Patta No.749. While so, it is the grievance of the petitioner that the fourth respondent executed a fraudulent settlement deed in favour of his daughter, the fifth respondent, on 18.11.2015, vide Doc.No.11223/2015 in SRO, Red Hills, as though Shri.P.P.Srinivasan died intestate, in which the fourth respondent had 1/3 undivided share in the above said property and he has purposely executed the fraudulent settlement deed without disclosing the said settlement deed, dated 15.02.1996. Hence, the petitioner sent a representation, dated 23.12.2015 to the respondents to cancel the fraudulent settlement deed, but the same was not considered and hence, the petitioner has filed this Writ Petition for the above relief.

3. In view of the order that is going to be passed in this Writ Petition, there is no need to issue notice to the respondents 4 and 5.

4. Heard the learned counsel for the petitioner and the learned Additional Government Pleader, who took notice for the respondents 1 to 3.

5. Considering the submissions made on either side, without going into the merits of the case, this Court directs the petitioner to give a fresh representation, with a copy of this order, to the second respondent, with a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the second respondent is directed to issue notice to the respondents 4 and 5 herein and other necessary parties, if any and conduct enquiry and after affording an opportunity of hearing to them, pass appropriate orders, on merits and in accordance with law, within a period of six weeks thereafter.

6. With the above observations and directions, the Writ Petition is disposed of. No costs.

cs

-s/d-

Assistant Registrar (CS-I)

True Copy

Sub-Assistant Registrar

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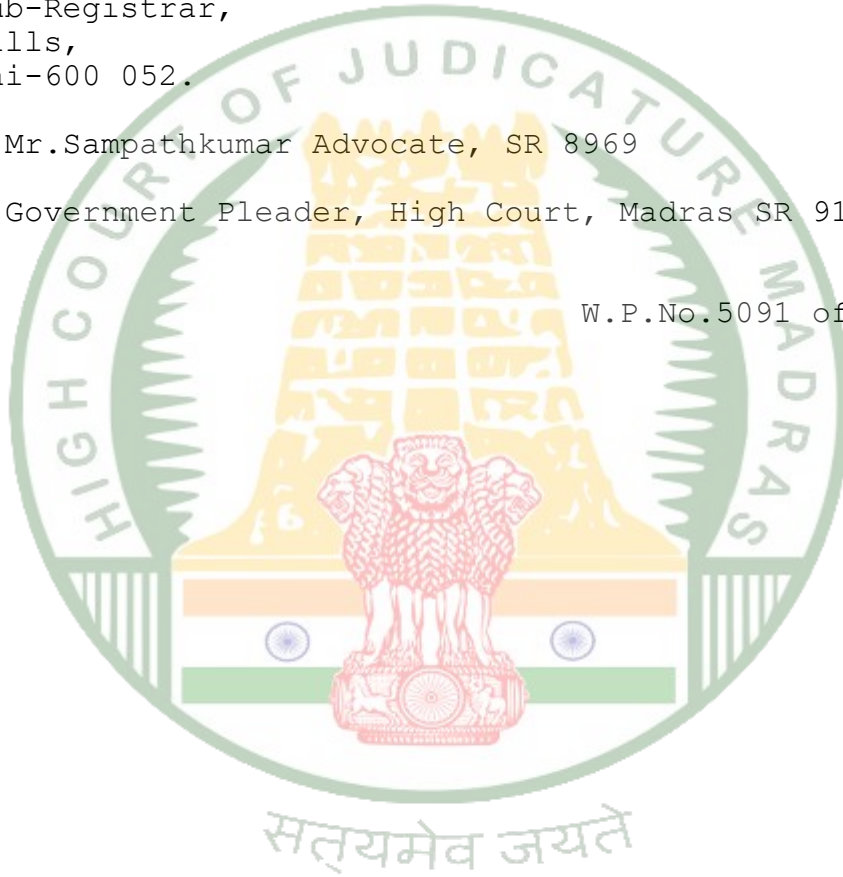
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+ 1 cc to Mr.Sampathkumar Advocate, SR 8969

+ 1 cc to Government Pleader, High Court, Madras SR 9135

svi(co)
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