

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.06.2017

CORAM

THE HON'BLE MR.JUSTICE M.DURAISWAMY

W.P.No.14651 of 2017

V.Kamalach @ Kala

... Petitioner

v.

1 The Sub Registrar
Virugambakkam Sub Registrar Office
Virugambakkam, Chennai

2 M.Mariammal Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Certiorarified Mandamus, to call for the records of documents pertaining to the registration of documents numbers 1537/2000 and 4110/2000, dated 30.03.2000 and 10.04.2000, on the file of the first respondent in respect of the property in Door No.28, Masuthi 1st Cross Street (as per corporation receipt Revathi Street), Vadapalani Chennai 600 026 comprised in Survey No 178/9, as per patta Block No.9 , T.S.No.23, No.110, Saligramam, Egmore-Nungambakkam Taluk, admeasuring an extent of 480 sq.ft. of land and superstructure thereon with electricity and quash the same forthwith and to direct the first respondent to delete the entry of the said registration of revocation of settlement deed and subsequent deed in favour of the second respondent herein.

For Petitioner : Mr.A.Lakshmi Narasimhan

For Respondents: Mr.S.N.Parthasarathy
Govt. Advocate - for R1

O R D E R

The petitioner has filed the above Writ Petition to issue a writ of Certiorarified Mandamus, to call for the records pertaining to the registration of the documents dated 30.03.2000 and 10.04.2000, on the file of the first respondent in respect of the property in Door No.28, Masuthi 1st Cross St

(as per corporation receipt Revathi Street), Vadapalani Chennai 600 026, comprised in Survey No 178/9, as per patta Block No.9 , T.S.No.23, No.110, Saligramam, Egmore-Nungambakkam Taluk, measuring an extent of 480 sq.ft. of land and superstructure thereon with electricity connection, to quash the same forthwith and to direct the first respondent to delete the entry of the said registration of revocation of settlement deed and subsequent deed in favour of the second respondent.

2. Under the settlement deed dated 20.03.1996, registered as Document No.1521 of 1996, the petitioner's mother Ponnammal settled the property in favour of the petitioner. Subsequently, by cancellation of settlement deed dated 30.03.2000, the said Ponnammal cancelled the settlement deed, which was registered in favour of the petitioner. On 10.04.2000, the said Ponnammal, executed another settlement deed in favour of the second respondent, who is her younger daughter. The said Ponnammal had died on 04.10.2011. Thereafter, the petitioner filed a petition before the first respondent seeking for cancellation of the cancellation of settlement deed dated 30.03.2000 and the settlement deed dated 10.04.2000.

3. The learned counsel appearing for the petitioner submitted that since the settlor had stated that the settlement deed dated 20.03.1996 is irrevocable, the same cannot be cancelled by the settlor on her own.

4. Since the petitioner has given a petition to the first respondent after a lapse of nearly 17 years, the remedy open to the petitioner is only to file a civil suit, in accordance with law to get the cancellation deed set aside. Further, the petitioner cannot contend that she was not aware of the documents executed by her mother in the year 2000. Since the issue involved in the present writ petition is matter for evidence, the same can be agitated only before the competent civil court.

With these observations, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

Rj

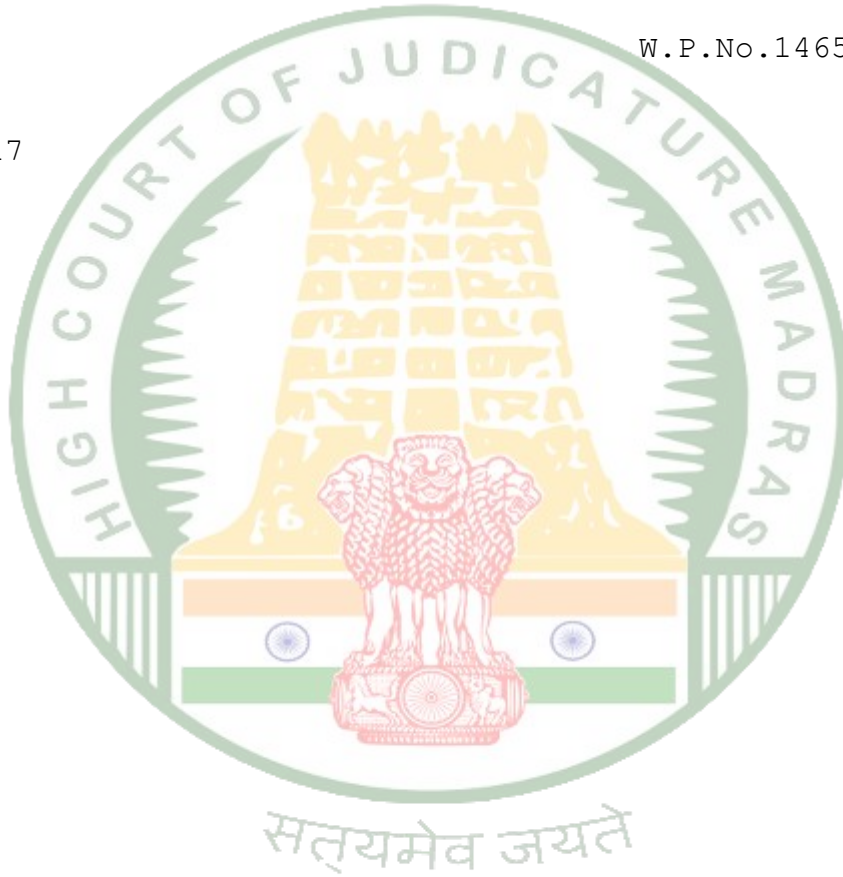
To

The Sub Registrar
Virugambakkam Sub Registrar Office
Virugambakkam, Chennai

+lcc to Mr.A.Lakshmi Narasimhan, Advocate, S.R.No.42045
+lcc to the Government Pleader, S.R.No.42083

W.P.No.14651 of 2017

GMI (CO)
CS/27/06/17



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