

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.14834 of 2018

P.Sivagnanam

... Petitioner

-vs-

1. The Inspector General of Registration,
Registration Department,
Government of Tamil Nadu,
No.100, Santhome High Road,
Chennai-28.

2. The Sub-Registrar,
Anna Nagar, JJ Complex,
TNSC Board, Thirumangalam,
Chennai-40.

... Respondents

Writ Petition under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents herein to consider the petitioner's representation dated 08.04.2018 within a time stipulated by this Court in accordance with law after affording opportunity to the petitioner herein.

For Petitioner :: Mr.M.Balasubramanian

For Respondents:: Mr.T.M.Pappiah,

Special Government Pleader

ORDER

The Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the respondents herein to consider the petitioner's representation dated 08.04.2018 and dispose of the same in accordance with law within a time stipulated by this Court.

2. Learned Counsel appearing for the petitioner submitted that the petitioner, who is aged about 84 years, has executed a Settlement Deed dated 14.5.2014 in respect of a land measuring to an extent of 5000 sq.ft. together with building situate at Anna Nagar, Chennai, in favour of his two sons and the said document has been duly registered. The learned Counsel further submitted that one of the petitioner's sons is in United States

of America and yet another son is in Chennai. It is also submitted that in the said registered Settlement Document, a specific recital has been made stating that the said document will take effect only after the petitioner's life time. Further, there is also yet another specific recital that the petitioner can reserve his right to revoke, alter or vary with the terms of the said settlement deed during his life time.

3. Therefore, according to the learned Counsel for the petitioner as the petitioner is now reserving his right to cancel the settlement deed during his life time, the Settlement Deed executed by the petitioner is to be construed as a Will as per law. Hence, the petitioner, being a senior citizen, having substantial experience in convincing, approached the 2nd respondent with a representation dated 8.4.2018 to cancel the Settlement Deed. But this has not been considered. Therefore, a direction be issued to the 2nd respondent.

4. Mr.T.M.Pappiah, learned Special Government Pleader appearing for the respondents submitted that the representation of the petitioner will be considered on merits by the 2nd respondent.

5. Placing on record his statement, the 2nd respondent, namely, the Sub-Registrar, Anna Nagar, J.J.Complex, TNSC Board, Thirumangalam, Chennai, is hereby directed to consider the representation of the petitioner dated 8.4.2018 and dispose of the same on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this Order. The petitioner is also directed to furnish a copy of his representation along with a copy of this Order and the decisions to the above said settled legal position.

6. The Writ Petition is disposed of accordingly. No costs.

सत्यमेव जयते
Sd/-

Assistant Registrar(CS VII)

//True Copy//

WEB COPY

Sub Assistant Registrartsi

To

1. The Inspector General of Registration,
Registration Department,
Government of Tamil Nadu,
No.100, Santhome High Road,
Chennai-28.

2. The Sub-Registrar,
Anna Nagar, JJ Complex,
TNSC Board, Thirumangalam,
Chennai-40.

+2cc to M/S.M.Balasubramanian, Advocate Sr.38559
+1cc to the Government Pleader Sr.39162

W.P.No.14834 of 2018

NrI[co]
srg 29/06/2018



WEB COPY