

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.16746 of 2018

Meena

W/o Panneer

.. Petitioner

-vs-

1. The Inspector General of Registration
Santhome, Chennai

2. No.1 Joint Sub Registrar
The District Registrar Office
Mayiladuthurai Town (Post)
Nagapattinam District

3. Gunabushanam
W/o (late) Sivakadatcham .. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, to call for records in connection with the rejection order in Na.Ka.No.2026/2018/Pa dated 18.06.2018 of the second respondent and quash the same consequently directing the second respondent to remove the entries of Document No.564/09 which was declared as null and void by the District Munsif Court, Mayiladuthurai as per decree in O.S.No.294 of 2015 dated 19.1.2017 from the Registrar, consequently remove the subsequent transactions made pursuant to the unilateral cancellation of settlement deed dated 25.03.2009.

For Petitioner :: Mr.M.Pari

For Respondents :: Mr.T.M.Pappiah
Special Government Pleader
for R1 & 2

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ORDER

This writ petition has been filed challenging the correctness of the impugned order dated 18.6.2018, in and by which the Joint Sub Registrar No.I, Mayiladuthurai, the second respondent herein has made it clear that the cancellation of the settlement deed dated 25.3.2009 executed by the third respondent, has been cancelled/removed, on the basis of the judgment and decree obtained by the petitioner in O.S.No.294 of

2015 before the Court of District Munsif, Mayiladuthurai declaring the cancellation of the settlement deed as null and void. This has been done based on the representation given by the petitioner on 14.6.2018 to remove the entries with regard to the cancellation of the settlement deed dated 25.3.2009. Challenging the impugned order, the petitioner has again come to this Court.

2. Learned counsel for the petitioner would submit that when the Joint Sub Registrar No.I, Mayiladuthurai has accepted the case of the petitioner for removing the entries with regard to the cancellation of the settlement deed dated 25.3.2009, he should also remove all the entries in the concerned register.

3. The learned Special Government Pleader for the respondents 1 & 2, replying to the same, submitted that the grievance of the petitioner has been taken care of. Since she was aggrieved by the entry made with regard to the cancellation of the settlement deed dated 25.3.2009, the second respondent has mutated the entry made with regard to the cancellation of the settlement deed, on the basis of the judgment and decree dated 19.1.2017 obtained by the petitioner in O.S.No.294 of 2015 before the Court of the District Munsif, Mayiladuthurai declaring the said cancellation as null and void. When the decree passed by the learned Additional District Munsif, Mayiladuthurai in O.S.No.294 of 2015 dated 19.1.2017 clearly shows that the cancellation of the settlement deed by the third respondent was null and void, the same has been mutated in the register. A corresponding entry has also been made in the encumbrance register. While so, the entry made with regard to the cancellation of the settlement deed need not be disturbed, because that would not affect the right of the petitioner and it has to be saved for the purpose of maintaining the register.

4. In view thereof, agreeing with the case of the petitioner that as per her request to remove the entry made with regard to the cancellation of the settlement deed dated 25.3.2009, the second respondent has mutated the entries both in the concerned register and in the encumbrance register, as per the decree passed by the learned Additional District Munsif, Mayiladuthurai in O.S.No.294 of 2015 dated 19.1.2017, the right of the petitioner flowing out of the settlement deed dated 8.12.2008 is protected. The writ petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

ss

To

1. The Inspector General of Registration
Santhome, Chennai
2. The Joint Sub Registrar No.1
The District Registrar Office
Mayiladuthurai Town (Post)
Nagapattinam District

+1cc to Mr.M.PARI, Advocate, S.R.No.44862
+1cc to the Government Pleader, S.R.No.44557

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VBA (CO)
TR(19/07/2018)



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