

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.02.2019

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.2227 of 2016

T.A.Mohameed Sameer

.. Petitioner

Vs.

The Sub Registrar,
Office of the Ganapathy Sub Registrar Office,
Coimbatore.

.. Respondent

PRAYER : Writ Petitions filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondent to consider the petitioner's representation dated 27.11.2015 for cancellation of the settlement deed dated 10.12.2013 executed by the petitioner in favour of his father T.M.Abdul Rahman and his mother Thoulath Nisa.

For Petitioner : Mr.M.N.Balakrishnan

For Respondent : Mr.T.M.Pappiah
Special Government Pleader

O R D E R

This Writ Petition is filed by the petitioner seeking a direction to the respondent to consider his representation dated 27.11.2015 for cancellation of the settlement deed dated 10.12.2013 executed by him in favour of his father T.M.Abdul Rahman and his mother Thoulath Nisa.

2. The case of the petitioner is that he purchased the property in Vilankurichi Village, Coimbatore District to an extent of 2494 sq.ft. and the same was registered before the respondent herein. Subsequently, he settled half of the said property by a settlement deed dated 10.12.2013 in favour of his father T.M.Abdul Rahman and mother Thoulath Nisa for protection of their life. While so, the petitioner's parents executed a General Power of Attorney dated 11.02.2015 in favour of one Mohammed Rabeek. Thereafter, the Power Agent Mohammed Rabeek executed a sale agreement in favour of his wife Saitha. The

petitioner states that the property stands in his name and electricity connection also stands in his name and he has also paying the house tax regularly in the Coimbatore Town Panchayat till date. Hence, the petitioner sent a representation dated 27.11.2015 to the respondent requesting to cancel the settlement deed dated 10.12.2013 executed by him in favour of his parents and also to register the cancellation of the settlement. But, so far, no action has been taken by the respondent. Hence, the petitioner is before this Court.

3. Heard the learned counsel appearing on both sides.

4. Considering the facts and circumstances of the case and the submissions made on either side, this Court, without expressing any opinion on the merits of the representation, directs the respondent to consider the petitioner's representation dated 27.11.2015 and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioner and the persons interested in this regard and also affording them an opportunity of personal hearing, within a period of four weeks from the date of receipt of a copy of this order.

5. With the above directions, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

rsi

Sub Assistant Registrar

To

The Sub Registrar,
Office of the Ganapathy Sub Registrar Office,
Coimbatore.

+1 cc to Mr.M.N.Balakrishnan, Advocate, S.R.No.12215

+1 cc to the Government Pleader, S.R.No.13486

W.P.No.2227 of 2016

VSN-II (CO)
SSM(28/02/2019).