

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.09.2019

CORAM:

THE HONOURABLE DR.JUSTICE G. JAYACHANDRAN

Writ Petition No.28038 of 2019

M.Arimuthu

.. Petitioner

/versus/

1.The District Collector,
Thiruvannamalai District,
Thiruvannamalai.

2.The Inspector General of Registration,
Inspector General of Registration Office,
Santhome, Chennai-600 004.

3.The District Register Officer,
District Register Office,
Thiruvannamalai District.

4.The Sub Registrar Office,
Polur Sub Registrar Office,
Thiruvannamalai District.

5.Kasi Udaiyar

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 4th respondent to cancel the Settlement Deed which is executed by the petitioner in favour of the 5th respondent vide Document No.1972 of 2014, dated 26.06.2014 on the file of the Sub Registrar Office, Polur, Thiruvannamalai District based on the petitioner's representation dated 27.11.2018.

For Petitioner :Mr.M.Rajendiran

For Respondents :Mr.N.Inbanathan, AGP for R1
Mr.M.Thamizharasan, GA for R2 to R4

O R D E R

By consent, the writ petition is taken up for final disposal at the admission stage itself.

2. Heard Mr.M.Rajendiran, learned counsel appearing for the petitioner and Mr.N.Inbanathan, learned Additional Government Pleader, who takes notice for the first respondent and Mr.M.Thamizharasan, learned Government Advocate, who takes notice for respondents 2 to 4.

3. The petitioner herein has executed a settlement deed in favour of the 5th respondent vide Doc.No.1972 of 2014 dated 26.06.2014. Now, he wants to cancel the settlement deed for certain reasons. Hence, he has given a representation dated 27.11.2018 to the respondents 2 to 4 to cancel the settlement deed executed in favour of the 5th respondent. Since his representation not acted upon, he has filed the present writ petition seeking Mandamus to direct the 4th respondent to cancel the settlement deed executed by the petitioner on 26.06.2014 in favour of the 5th respondent.

4. The request of the petitioner to cancel the registered settlement deed is not within the powers of the Sub Registrar, unless and until the petitioner gets a civil Court Decree nullifying the earlier settlement. Therefore, this Court is unable to entertain the writ petition.

5. Therefore, this Writ petition is dismissed. The petitioner is at liberty to approach the competent civil Court to get a decree nullifying the settlement deed executed by him and thereafter, seeks for registration of the said decree. No costs.

Sd/-
Assistant Registrar (CJ Conf.)

//True Copy//

Sub Assistant Registrar

To

- 1.The District Collector,
Thiruvannamalai District,
Thiruvannamalai.
- 2.The Inspector General of Registration,
Inspector General of Registration Office,
Santhome,
Chennai-600 004.
- 3.The District Register Officer,
District Register Office,
Thiruvannamalai District.

4.The Sub Registrar Office,
Polur Sub Registrar Office,
Thiruvannamalai District.

+1cc to Mr.M. Rajendiran, Advocate, SR.No.81382

+1cc to the Govt.Pleader, Vide Sr.No.81907

W.P.No.28038 of 2019

Kak(21/10/2019)



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