



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.02.2019

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WP (MD) No.16620 of 2015

and

MP (MD) No.1 of 2015

Ganam

... Petitioner

Vs.

1.The District Registrar,
Sivagangai, Sivagangai District.

2.The Sub Registrar, Registrar Office,
Thondi, Ramanathapuram District.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned proceedings in Aiyvukuripu No. 1 of 2015 dated 31.08.2015 and quash the same as illegal, unjust and unconstitutional and consequentially direct the respondents to register the petitioners settlement cancellation deed dated 31.08.2015 and release the same.

For Petitioner	: Mr.S.A.Ajmal Khan for Mr.J.M.Hassanul Bazari
For R1	: Mr.M.Karuppasamy, Government Advocate for R1
For R2	: Mr.M.Murugan Government Advocate for R2

ORDER

Heard the learned counsel on either side.

2.The writ petitioner executed a gift deed in favour of her sons. The same was sought to be cancelled later. But, in the cancellation deed all the parties to the earlier document were not parties. Therefore, the second respondent rightly declined to receive the same. The stand taken by the second respondent cannot be faulted. This writ petition is therefore dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.



3. However, if the petitioner submits a deed of cancellation to which all the parties to the earlier document are also signatories, the second respondent will of course receive and register the same.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The District Registrar,
Sivagangai, Sivagangai District.

2. The Sub Registrar, Registrar Office,
Thondi, Ramanathapuram District.

+1 CC to M/s. J.M. HASSANUL BAZARI, Advocate (SR-50564[F] dated 28/02/2019)

+1 CC to M/s. SPL GP (SR-50546[F] dated 28/02/2019)

SKM

WP (MD) No. 16620 of 2015

and

MP (MD) No. 1 of 2015

27.02.2019

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