

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.09.2020

CORAM :

The HON'BLE MR.JUSTICE M.DURAISWAMY

W.P.No.4439 of 2015
and M.P.No.1 of 2015

1.K.Sakunthala
2.C.Bama
3.K.Thara
(P1 to P3 rep by their Power Agent S.Chandran)

... Petitioners

Vs.

1. The District Registrar,
(Joint Sub Registrar in the Cadre
of District Registrar),
District Registrar Office - Chennai (North),
No.1, Moorthikal Lane,
1st Line Beach Road,
Chennai - 600 001.
2. The Sub Registrar,
Gummidipoondi S.R.O.,
G.R.C. Complex, GNT Road,
Gummidipoondi,
Chennai - 601 201.
3. G.Vannammal
4. The Inspector General of Registration,
No.100, Santhome High Road,
Pattinapakkam,
Chennai - 600 028.

... Respondents

Petition filed under Article 226 of the Constitution of India for issuing a writ of mandamus directing the respondents 1 & 2 to cancel the Settlement Deed dated 04.06.2014 registered vide Doc.No.2767 of 2014 on the file of the 2nd respondent after due enquiry in the manner known to law to cancel the entry from the Encumbrance Certificate on the records of the 2nd respondent.

For Petitioners: Mr.Pari Ramaiah

For Respondents: Mr.B.Kannan,

Government Advocate (R1, R2 & R4)

R3 - no appearance

O R D E R

The petitioners have filed the above Writ Petition to issue a writ of mandamus directing the respondents 1 & 2 to cancel the Settlement Deed dated 04.06.2014 registered as Document No.2767 of 2014 on the file of the 2nd respondent after due enquiry in the manner known to law and to cancel the entry from the Encumbrance Certificate on the records of the 2nd respondent.

2. When the Writ Petition is taken up for hearing, Mr. Pari Ramaiah, learned counsel appearing for the petitioners submitted that instead of granting the prayer sought for in the Writ Petition, it would be suffice to direct the 1st respondent to consider the petitioner's representations dated 05.01.2015 and 20.01.2015 and pass orders in accordance, after giving notice and an opportunity of hearing to all the interested parties.

3. Mr. B. Kannan, learned Government Advocate appearing for the respondents 1, 2 & 4 submitted that the 1st respondent may be directed to consider the petitioners' representations and pass orders in accordance with law.

4. Since the petitioners are seeking only to dispose of the representations, the following order is passed. Having regard to the submissions made by the learned counsel on either side, taking into consideration the limited prayer sought for by the learned counsel for the petitioners, without expressing any opinion with regard to the merits of the case, I direct the 1st respondent to consider the petitioners' representations dated 05.01.2015 and 20.01.2015 and pass orders, on merits and in accordance with law, after giving notice to all the interested parties and also giving an opportunity of hearing to all the parties, within a period of twelve weeks from the date of receipt of a copy of this order.

5. So far as the cancellation of the Settlement Deed is concerned, the remedy available to the petitioners is only before a Competent Civil Court and not before the respondents.

6. With these observations, the Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

va

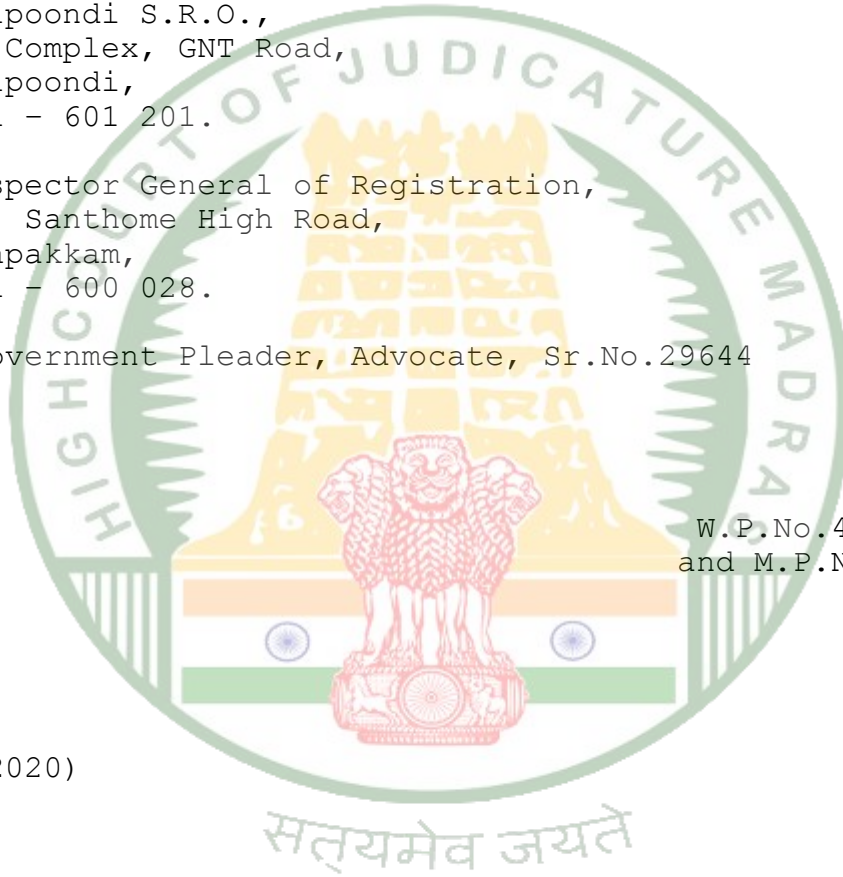
To

1. The District Registrar,
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Gummidipoondi,
Chennai - 601 201.
3. The Inspector General of Registration,
No.100, Santhome High Road,
Pattinapakam,
Chennai - 600 028.

+1cc to Government Pleader, Advocate, Sr.No.29644

W.P.No.4439 of 2015
and M.P.No.1 of 2015

MG (CO)
GS (19/10/2020)



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