

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.10.2020

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.No.14939 of 2020

Kanimozhi,
W/o.Ashok Kumar.

... Petitioner

..Vs..

1. The District Registrar,
Chengalpet District,
Chengalpet.
2. The Sub-Registrar,
Pallavaram,
Chennai.
3. G.Kavitha,
W/o.S.V.Prakash.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent to conduct enquiry on the appeal/representation filed by the petitioner on 01.09.2020 to cancel the settlement deed dated 26.11.2019 in document No.10346/2019, dated 24.12.2019 in document No.11371/2019 on the file of Sub-Registrar, Pallavaram and pass orders.

For Petitioner : Mr.D.Rajagopal

For Respondents: Mr.T.M.Pappiah,
Special Government Pleader
for RR1 & 2.

ORDER

This Writ Petition has been filed for the issue of Writ of Mandamus, directing the first and second respondents to consider the representation made by the petitioner on 01.09.2020, wherein the petitioner is seeking for cancellation of the settlement deeds dated 26.11.2019 and 24.12.2019.

2.Heard Mr.D.Rajagopal, learned counsel appearing on behalf of the petitioner and Mr.T.M.Pappiah, learned Special Government Pleader, appearing on behalf of respondents 1 and 2.

3.The case of the petitioner is that a settlement deed was executed in her favour by her mother on 06.05.2009 for an extent of 975 square feet along with half share in the building. The further case of the petitioner is that subsequently the mother of the petitioner, under threat and coercion was made to execute another settlement deed for the entire property in favour of the sister of the petitioner. This document was registered on 26.11.2019. In turn, the sister of the petitioner executed another settlement deed in favour of her husband on 24.12.2019. According to the petitioner these two settlement deeds are non-est in the eye of law and the mother of the petitioner did not have any right to execute a settlement deed for the entire property after the petitioner was already given 975 square feet of undivided share and half share in the building.

4.In the considered view of this Court, the respondents do not have any right to cancel any documents. The law on this issue is well settled and there is a circular that was issued by the Inspector General of Registration, to the effect that no documents can be cancelled and the parties must be directed to approach the competent civil Court to work out their remedy. The petitioner has to necessarily work out her remedy only before the competent civil Court and the respondents have no jurisdiction to cancel any registered documents.

5.The petitioner is at liberty to work out her remedy before the competent Civil Court, in accordance with law. Except giving this liberty no further orders can be passed in this writ petition.

6.Accordingly, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The District Registrar,
Chengalpet District, Chengalpet.

2.The Sub-Reistrar,
Pallavaram, Chennai.

+lcc to The Government Pleader, sr no.34786

W.P.No.14939 of 2020

KK(CO)
RMP(03/12/2020)



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