

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2020

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.NO.18826 OF 2020

&

W.P.NO.23401 OF 2020

B. Sivakumar

... Petitioner

Vs.

1. The Inspector General of Registration,
No.100, Santhome High Road,
Raja Annamalaipuram, Chennai 600 028.
 2. The District Registrar of South Chennai,
No.9, W Jones Road, Saidapet, Chennai 600 015.
 3. The Sub Registrar of T.Nagar,
Nandhanam, Chennai 600 035.
 4. Janaki Krishnan
 5. K.K.Sundaram
- ... Respondents

Prayer:

Writ Petition filed under Section 226 of Constitution of India praying for issuance of Writ of Mandamus directing the 1st respondent herein to conduct a detailed enquiry based on the petitioner's representation dated 05.10.2020 and consequently cancel the Settlement Deed dated 31.5.2012 as Doc.No.1229 of 2012 in Book No.1, on the file of the 3rd respondent.

For Petitioner : Mr.D.Ravichander

For Respondents: Mr.T.M.Pappiah,
Spl.Govt.Pleader

O R D E R

This Writ Petition has been filed for the issue of Writ of Mandamus directing the respondents to conduct enquiry based on the representation made by the petitioner on 5.10.2020 and for a further direction to cancel the Settlement Deed registered as document No.1229 of 2012 on the file of the 3rd respondent.

2. Heard, Mr.D.Ravichander learned counsel appearing for the petitioner and Mr.T.M.Pappiah, learned Special Govt. Pleader for respondents 1 to 3.

3. The case of the petitioner is that he along with his parents have jointly purchased undivided share in the subject property and a construction agreement was also entered into with the builders during the year 1995. The further case of the petitioner is that his parents have executed a settlement deed in his favour and the petitioner is the absolute owner of Flat No.F4 along with the undivided share in the land. The grievance of the petitioner is that the 4th respondent without having any authority over the Flat No.F4 has executed a registered settlement deed in favour of the 5th respondent on 31.5.2012. The specific case of the petitioner is that the 4th respondent is the owner of the Flat No.F6.

4. According to the petitioner, he came to know about the execution of the settlement deed only recently and immediately thereafter a representation was made to the official respondents on 5.10.2020 to take action. Since the same was not considered, the present Writ Petition has been filed before this Court.

5. Taking into consideration the facts and circumstances of the case and the limited relief sought for in this Writ Petition, there shall be a direction to the 2nd respondent to consider the representation made by the petitioner on 5.10.2020 and conduct an enquiry. The 2nd respondent shall afford opportunity to the petitioner and respondents 4 and 5 and shall proceed further strictly in accordance with law and take a decision within a period of eight weeks from the date of receipt of a copy of this order.

6.This Writ Petition is disposed of with the above directions. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

msr

To

1. The Inspector General of Registration,
No.100, Santhome High Road,
Raja Annamalaipuram, Chennai 600 028.

2. The District Registrar of South Chennai,
No.9, W Jones Road,
Saidapet, Chennai 600 015.

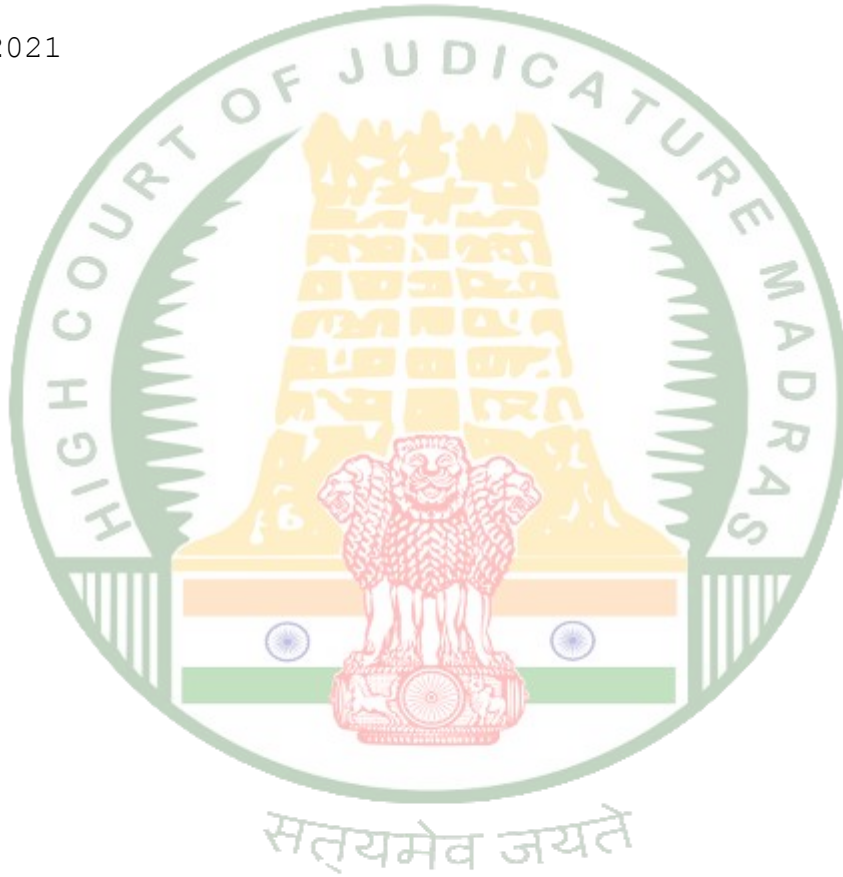
3. The Sub Registrar of T.Nagar,
Nandhanam, Chennai 600 035.

+1cc to Mr.D.Ravichander, Advocate, S.R.No.41039

+1cc to the Government Pleader, S.R.No.41421

W.P.No.18826 of 2020

EV(CO)
CS/20/01/2021



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