



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD)No.7790 of 2020

Nisha Balakrishnan

... Petitioner

Vs.

1.The District Registrar,
The District Registration Office,
Kanyakumari,
Kanyakumari District.

2.The Sub-Registrar,
The Joint II Sub-Registrar Office,
Marthandam,
Kanyakumari District.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, to direct the first respondent to consider the representation of the petitioner dated 20.06.2020 to take appropriate action under Registration Act and as per the letter of the Inspector General of Registration bearing Letter No.41530/U1/2017 dated 09.11.2018 against the registration of settlement cancellation deed dated 28.11.2011 bearing Document No.3392 of 2011.

For Petitioner : Mr.S.C.Herold Singh
For Respondents : Mr.V.Anand,
Government Advocate.

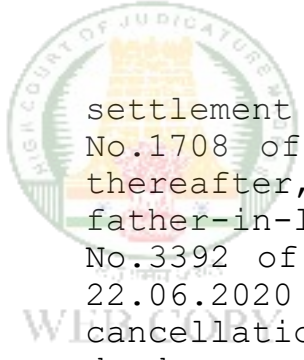
ORDER

The petitioner has filed the present Writ Petition to issue a Writ of Mandamus, to direct the first respondent to consider the representation of the petitioner dated 20.06.2020 to take appropriate action under Registration Act and as per the letter of the Inspector General of Registration bearing Letter No.41530/U1/2017 dated 09.11.2018 against the registration of settlement cancellation deed dated 28.11.2011 bearing letter No.41530/U1/2017 dated 09.11.2018 against the registration of Settlement Cancellation Deed dated 28.11.2011 bearing Document No.3392 of 2011.

2.Mr.V.Anand, learned Government Advocate takes notice for the respondents.

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

4.According to the petitioner, her father-in-law executed a



settlement deed on 04.10.2004, which was registered as Document No.1708 of 2004, in favour of the petitioner and her husband and thereafter, the aforesaid settlement deed was cancelled by her father-in-law on 28.11.2011, which was registered as Document No.3392 of 2011. Hence, the petitioner sent a representation dated 22.06.2020 to the respondents seeking to cancel the settlement cancellation deed stating that the aforesaid settlement cancellation deed was cancelled without issuing any notice to her. Since no action has been taken on the side of the respondents, the petitioner has filed the present Writ Petition.

5.The learned Government Advocate appearing for the respondents submitted that the writ petitioner has made a representation dated 22.06.2020 to the respondents to cancel the settlement cancellation deed dated 28.11.2011, which cannot be entertained by way of this Writ Petition and further submitted that if the petitioner is aggrieved by the aforesaid settlement cancellation deed, the remedy available to the petitioner is to approach the competent civil Court.

6.Considering the submissions made by the learned counsel appearing for the petitioner and also accepting the contention of the learned Government Advocate, this Court is of the view that there is no *prima case* is made out to entertain the Writ Petition and accordingly, the Writ Petition is dismissed. However, liberty is granted to the petitioner to approach the competent civil Court, if she is so advised. No costs.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Ps

Note:- In view of the present lock down owing to COVID - 19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

1.The District Registrar, The District Registration Office,
Kanyakumari, Kanyakumari District.

2.The Sub-Registrar, The Joint II Sub-Registrar Office,
Marthandam, Kanyakumari District.

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