



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD)No.7832 of 2020

G.S.Sivakumar

... Petitioner

Vs.

1.The District Registrar,
Madurai South,
171, Palace Road,
Madurai - 1.

2.The Joint Sub-Registrar - I,
Sub-Registrar Office,
171, Palace Road,
Madurai - 1.

3.G.R.Subramanian

4.G.S.Sasikumar

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the second respondent to consider the petitioner's representation dated 01.02.2020 and to direct the second respondent to cancel the settlement deed dated 31.08.2016, bearing Document No.6481/2016/S.R.O./J-1/Madurai, in favour of the fourth respondent and to delete the said entries in the record within a stipulated time frame to be fixed by this Court.

For Petitioner : Mr.T.R.Subramanian

For R1 and R2 : Mr.V.Anand
Government Advocate

ORDER

This Writ Petition has been filed seeking a direction to the second respondent to cancel the settlement deed executed in favour of the fourth respondent, dated 31.08.2016, bearing Document No.6481/2016/S.R.O./J-1/Madurai, and to delete the said entries in the record within a stipulated time frame to be fixed by this Court.

2.According to the petitioner, a settlement deed was executed by the third respondent, who is the father of the petitioner, in favour of the fourth respondent, who is one of the sons of the third respondent. Seeking to cancel the settlement deed



executed by the third respondent, the petitioner and his elder brothers made a representation dated 01.02.2020 to the second respondent herein. But, no order has been passed on the said representation so far. Hence, the present Writ Petition.

3.The learned Government Advocate appearing for the respondents 1 and 2 would submit that for any cancellation of settlement deed, the parties have to approach the competent Civil Court.

4.In view of the above, this Court is of the view that no *prima facie* case has been made out to grant the relief to the petitioner and the only remedy available to the petitioner is to approach the competent Civil Court for cancellation of settlement deed. Hence, this Writ Petition stands dismissed. No costs. It is open to the petitioner to seek remedy before the competent Civil Court.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

smn2

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,
Madurai South,
171, Palace Road,
Madurai - 1.

2.The Joint Sub-Registrar - I,
Sub-Registrar Office,
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AP (31.07.2020) 2P-3C