



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.09.2021

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THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.17093 of 2021

Durai Selva Leena

... Petitioner

Vs.

The District Registrar,
Kanyakumari District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondent to conduct an enquiry on the petitioner's representation dated 23.08.2021 and take further action on the petitioner's representation.

For Petitioner : Mr.D.Saravanan

For Respondent : Mr.K.S.Selva Ganesan,
Counsel for State.

ORDER

The petitioner seeks a direction to the respondent to conduct an inquiry on the basis of her representation dated 23.08.2021.

2.The petitioner states that she was married to one Dr.Vineeth. On account of the alleged illicit relationship of her husband with another woman, the spouses separated. Her husband executed two settlement deeds in her favour on 30.09.2014 and 02.05.2015, which were registered as Document Nos.2907/2014 and 387/2015.

3.Subsequently, the petitioner states that her husband unlawfully cancelled the said settlement deeds. Therefore, the petitioner filed a suit in O.S.No.331 of 2015 before the Principal District Munsif Court, Nagercoil. Such suit was decreed on 30.07.2019. By such judgment and decree, the deeds of cancellation of the settlement deeds in favour of the petitioner were declared to be illegal, null and void and not binding on the petitioner herein. In addition, the defendant was restraining from encumbering the relevant property and disturbing the plaintiff's possession thereof.



4. Pursuant thereto, the petitioner submitted a representation dated 23.08.2021 to the respondent and seeks action on such basis.

5. Mr. K. S. Selva Ganesan, learned counsel for the State, accepts notice on behalf of the sole respondent. He submits that the respondent may be directed to consider the petitioner's representation and dispose of the same on merits.

6. The petitioner has enclosed a copy of the judgment and decree in O.S.No.331 of 2015. As contended by the petitioner, by such judgment and decree, the deeds of cancellation of the settlement deeds dated 30.09.2014 and 02.05.2015, respectively, were declared to be illegal, null and void by the civil court. However, it should be noted that the petitioner's husband appears to have filed an appeal against the said judgment and decree before the Hon'ble Sub Court, Nagercoil. While it is stated that such appeal was dismissed, the petitioner has not enclosed a copy of the order of the appellate court. This aspect should be considered by the respondent in course of inquiry. Needless to say, the respondent should provide a reasonable opportunity to the petitioner's husband and to the parties to documents relating to the relevant property which may have been executed by the petitioner's husband.

7. Subject to the above observations but without entering findings on the merits of the dispute, the respondent is directed to consider the petitioner's representation dated 23.08.2021 and conduct an inquiry on such basis after providing a reasonable opportunity to the petitioner, her husband and to the parties to the conveyances registered in relation to the relevant properties. Such inquiry shall be concluded within a period of three (3) months from the date of receipt of a copy of this order.

8. Accordingly, W.P.(MD)No.17093 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

tsg/nsr

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.

<https://hcservices.ecourts.gov.in/hcservices/>



To

The District Registrar,
Kanyakumari District.

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+1 CC to M/s.SPL. GP (SR-30194[F] dated 24/09/2021)

+1 CC to M/s.D.SARAVANAN, Advocate (SR-30039[F] dated 23/09/2021)

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