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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.3369 of 2022

Chinasamy ... Petitioner

Vs.

1. The District Registrar,
   Krishnagiri,
   Krishnagiri District.

2. The Sub-Registrar,
   Kaveripattinam,
   Krishnagiri District.

3. C.Periyasamy
4. Chinnasamy
5. Kuttiyammal
6. Sarasu ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to cancel the settlement deed dated 06.03.2009 vide Document No.592 of 2009 on the file of S.R.O., Kaveripattinam as null and void and fraudulent one, based on the representation dated 09.12.2021 and in the light of judgment dated 17.06.2021 made in W.P.(M.D) No. 10177 of 2021.

For Petitioner : Mr.C.Prabakaran

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader

O R D E R

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus, to direct the 1st respondentto cancel the settlement deed dated 06.03.2009 vide Document No.592 of 2009 on the file of S.R.O., Kaveripattinam as null and void and fraudulent one, based on the representation dated 09.12.2021 and

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in the light of judgment dated 17.06.2021 made in W.P.(M.D) No. 10177 of 2021.

2. The Special Additional Government Pleader takes notice to the official respondents. Since, no adverse orders is being passed against the private respondents, notice to the private respondents is dispensed with.

3. The case of the petitioner is that the petitioner is the owner of the property comprised in Survey Nos. 178/3, 178/4. 178/2, 178/5, 178/9 and 186/7 situate at Jagathap Village, Krishnagiri Taluk and District. However, without the knowledge of the other pattadhars and petitioners the private respondents created a settlement deed in favour of the 3rd respondent vide Document No.592 of 2009 on the file of S.R.O., Kaveripattinam. The said settlement deed was executed without the consent of the petitioner. Therefore, the petitioner made a representation to the first respondent on 09.12.2021 to cancel the fraudulent document under Section 68(2) of the Registration Act. But, till date no orders have been passed. Hence, this writ petition is filed.

4. The learned counsel for the petitioner submitted that it would suffice, if this Court issues a direction to the respondents 1 and 2 to consider and pass orders on the petitioner's representation dated 09.12.2021 in accordance with law and pass appropriate orders within a particular time frame fixed by this Court.

5. The learned Special Government Pleader appearing on behalf of the respondent submits that the petitioner's representation dated 09.12.2021 will be considered by the respondents within the time frame fixed by this Court.

6. Considering the facts and circumstances, the respondents 1 and 2 are directed to consider the petitioner's representation dated 09.12.2021 and pass orders on merits and in accordance with law after providing opportunity of hearing to the petitioner and the other private respondents within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

Psa

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To

1. The District Registrar,
   Krishnagiri,
   Krishnagiri District.

2. The Sub-Registrar,
   Kaveripattinam,
   Krishnagiri District.

+1cc to Mr.C.Prabakaran, Advocate, S.R.No.11325

+1cc to the Government Pleader, S.R.No.12370

W.P. No.3369 of 2022

GSM(CO)
SU(10/03/2022)

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