



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.4872 of 2022

Mrs.Juliette Henry Isidore

...Petitioner

Vs.

1. The Inspector General of Registration,
New No.100, Old No.128,
Santhome High Road,
Santhome-Chennai - 600 004.
2. The District Registrar,
Central Madras,
268, Bharathi Salai, Express Estate,
Royapettah,
Chennai - 600 014.
3. The Sub-Registrar,
Joint II, Chennai Central (Thousand Lights),
KB Dasan Road, Teynampet,
Chennai - 600 018.

4. Mr.Raju Isidore

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the refusal check slip having reference No.RFL/Chennai Central Joint II/1/2022 dated 11.02.2022 issued by the third respondent and quash the same and consequently direct the respondents 1 to 3 to register the petitioner's cancellation/revocation deed dated 11.02.2022 to cancel the petitioner's settlement deed dated 20.09.2002 registered as document No.759 of 2002 in the office of the Sub-Registrar, Thousand Lights.

For Petitioner : Ms.Kavitha Deenadayalan

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader

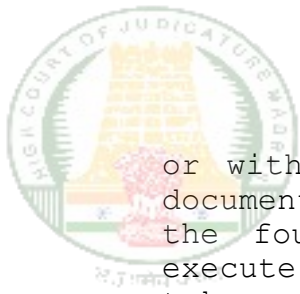


O R D E R

This Writ Petition has been filed seeking for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the refusal check slip having Reference No.RFL/Chennai Central Joint II/1/2022 dated 11.02.2022 issued by the third respondent, quash the same and consequently direct the respondents 1 to 3 to register the petitioner's cancellation/revocation deed dated 11.02.2022 to cancel the petitioner's settlement deed dated 20.09.2002, registered as Document No.759 of 2002 in the Office of the Sub-Registrar, Thousand Lights, Chennai.

2. The case of the petitioner is that she is an old widow, having three sons and a daughter. She has purchased a property situated at Old No.49, New No.37, 'Juliet Villa', Sterling Road, Nungambakkam, Chennai - 600 034 (Hereinafter referred as subject property), vide Doc.No.405/1970, she was in possession and enjoyment of the subject property. While so, the fourth respondent, taking advantage of the petitioner's innocence, persuaded her to execute a Settlement Deed dated 20.09.2002 in his favour on the file of third respondent/Sub-Registrar for the purpose of procurement of loan from the Bank, subject to the condition that the petitioner will have life interest in the scheduled property without any interference from the fourth respondent. However, the fourth respondent has been constantly interfering with the petitioner's peaceful possession of the subject property. Thereafter, the petitioner has applied for certified copy of the Settlement Deed and found that the fourth respondent has taken the entire subject property in his favour without including the other legal heirs of the petitioner. Therefore, on 11.02.2022, she approached the third respondent with cancellation/revocation deed, to cancel the above said Settlement Deed executed in favour of her son. However, the third respondent refused to register the same and issued a Refusal Check Slip, dated 11.02.2022 on the ground that the original Settlement Deed was not provided along with the cancellation/revocation deed and there was also no clause for cancellation/revocation of the Settlement Deed. Further, the third respondent stated in the Refusal check slip that the petitioner has 30 days to approach the second respondent to register the said cancellation/revocation deed. On the same day, i.e., on 11.02.2022, the petitioner has made a representation to the second respondent, seeking to register the cancellation/revocation deed. As the said representation made by the petitioner has evoked no response from the respondents 1 to 3, the petitioner has filed the present Writ Petition.

3. The learned counsel for the petitioner submits that, the petitioner had executed the said Settlement deed only in respect of a smaller extent for the purpose of obtaining loan from the Bank, however without her full knowledge and consent



WEB COPY

or without giving an opportunity to read the content of the document, and taking advantage of the petitioner's innocence, the fourth respondent made her to sign the documents and execute the settlement deed in his favour and has fraudulently taken away the entire property.

4. The learned Special Government Pleader appearing for the respondents 1 to 3 submitted that the Settlement Deed was executed in the year 2002 and after a lapse of two decades, the petitioner has made a representation on 11.02.2022 for cancellation of the Settlement deed dated 20.09.2002. Further, the petitioner herself admitted that, the deed was executed in respect of the entire property in the year 2002, by reserving life time interest granted in her favour. Further, as it is purely a civil dispute, the same can only be decided by the Competent Court and not by the authorities. Hence, he prays for dismissal of the present Writ petition.

5. Admittedly, the petitioner had executed a Settlement Deed in favour of her son i.e., the 4th respondent in the year 2002, however, the learned counsel for the petitioner submitted that, the petitioner has executed only a smaller extent of the property, but the fourth respondent had fraudulently took the entire property, giving life time interest alone. Further, the petitioner has not denied the execution of the Settlement Deed, and that she denied only the extent of the land executed.

6. In view of the above facts and circumstances, as it is purely a civil dispute between the mother and son, the same cannot be entertained under Article 226 of the Constitution and the prayer sought for by the petitioner in this Writ Petition cannot be acceded to, as the third respondent is not the Competent Authority to decide the issue.

7. Accordingly, this Writ petition is liable to be dismissed. However, if petitioner is aggrieved, the petitioner is at liberty to go before the appropriate Civil forum or under the Maintenance and Welfare of Parents and Senior Citizen Act.

8. In the result, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

jd/skt



To

1. The Inspector General of Registration,
New No.100, Old No.128,
Santhome High Road,
Santhome-Chennai - 600 004.

2. The District Registrar,
Central Madras,
268, Bharathi Salai, Express Estate,
Royapettah,
Chennai - 600 014.

3. The Sub-Registrar,
Joint II, Chennai Central (Thousand Lights),
KB Dasan Road, Teynampet,
Chennai - 600 018.

+lcc to Mrs.Kavitha Deenadayalan, Advocate SR. No.14530
+lcc to Government Pleader SR. No. 15499

W.P. No.4872 of 2022

SR(CO)
PR (02/05/2022)