



W.P.No.8224 of 2022

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W.P.No.8224 of 2022

M.DHANDAPANI,J.

This matter is listed under the caption “For Being Mentioned” at the instance of the learned counsel for the petitioners.

2. When the matter was taken up for hearing, the learned counsel for the petitioners submitted that, in the prayer portion of the affidavit filed in support of this Writ petition, inadvertently the document number was mentioned as 2654 of 2014 instead of 2644 of 2014, and thereby, the same was wrongly mentioned as 2654 of 2014 in para 1 of the order dated 06.04.2022, which requires to be modified and the document number 5354 of 2013, which was modified as 5344 of 2013, vide order 02.11.2022, shall stand corrected as 5354 of 2013 itself, as the same does not require any modification.

3. After perusing the order dated 02.11.2022, more specifically, para-1, this Court is satisfied and, accordingly, para-1 of the order dated 02.11.2022, would stand substituted with the following paragraph:-

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“This Writ Petition has been filed seeking for issuance of a Writ of Mandamus, to direct the 2nd respondent to cancel the Settlements Deeds on Doc.No.5354/2013, dated 06.12.2013, 2644/2014, dated 09.06.2014 and 2011 of 2015, dated 25.05.2015, in view of the order passed in CRP.No.2954/2015, dated 26.02.2021, on the file of this Court”

3. All the other observations and conditions made in the earlier order dated 02.11.2022 shall remain intact, except for the above said correction.

4. Registry is directed to carry out the necessary correction as aforesaid in the order dated 02.11.2022 and issue fresh copy of the order to the learned counsel for the parties.

07.09.2023

skt

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and

W.M.P.No.8220 and 8223 of 2022



W.P.No.8224 of 2022

M.DHANDAPANI,J.

The matter is listed today under the caption “For Being Mentioned” at the instance of the learned counsel for the petitioner.

2. It is submitted by the learned counsel for the petitioner that in the affidavit filed for the above writ petition he has inadvertently mentioned the Document Number as 5354 of 2013 whereas the correct Document Number is 5344 of 2013. Hence in the order copy it was mentioned as 5354 of 2013. Therefore he made request to make necessary corrections in the said order and for reissue of the order copy.

3. Considering the submission made by the learned counsel for the petitioner, the Document Number is corrected 5354 of 2013 stands corrected as 5344 of 2013.

4. All other observations made in the order dated 06.04.2022 shall remain intact except for the above said correction.

5. Registry is directed to carry out the necessary correction in the order dated 06.04.2022 and issue a fresh copy of the order to the learned counsel for the parties.

02.11.2022

smn

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Smn



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and
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02.11.2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :06.04.2022

CORAM :

4/10



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THE HONOURABLE MR. JUSTICE **M. DHANDAPANI**

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W.P. No.8224 of 2022
and
W.M.P.Nos.8220 and 8223 of 2022

1.Rose

2.K.Ramdass

3.Sai Sathyasri

4.C.Prabhakar

... Petitioners

Vs.

1.The District Registrar,
Registration Department,
Thiruvallur.

2.The Sub Registrar,
Manavalan Nagar,
Sub Registration Office,
Manavalan Nagar,
Thiruvallur Taluk & District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 2 nd respondent to cancel the Settlement Deeds on Doc.No.5354/2013, dated 06.12.2013, 2654/2014, dated 09.06.2014 and 2011 of 2015, dated 25.05.2015, in view of the order passed in CRP.No.2954/2015, dated 26.02.2021, on the file of this Court.

For Petitioners : Mr.P.Dinesh Kumar

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of



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Mandamus, to direct the 2nd respondent to cancel the Settlement Deeds on Doc.No.5354/2013, dated 06.12.2013, 2654/2014, dated 09.06.2014 and 2011 of 2015, dated 25.05.2015, in view of the order passed in CRP.No.2954/2015, dated 26.02.2021, on the file of this Court.

2. The learned Special Government Pleader takes notice for the official respondents. In view of the limited relief sought for in this petition and on the consent of the learned counsel appearing on either side, this petition is taken up for final disposal.

3. The case of the petitioners is that originally, the disputed property owned by one Kalliappan. Thereafter, he sold the property to one Kumar on 06.02.1989. Thereafter, the said Kumar sold the property in favour of the petitioners vide 4 documents dated 07.03.1996, 28.09.1998, 29.06.2021 and 29.06.2021. Thereafter, the said Kaliappan executed a Settlement Deeds in favour of his daughter on 06.12.2013, 09.06.2014 and 25.05.2015. Thereafter, the said Kaliappan's daughter filed a suit in O.S.No.69 of 2015, for declaration and permanent injunction. As against which the petitioners



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filed a suit in CRP.No.2954 of 2015, for strike off plaintiff, this Court by its order dated 26.02.2021 strike off the plaint and allowed the CRP in favour of the petitioners. Thereafter, the petitioners made representation on 16.09.2021, to the 2 nd respondent, to cancel the fraudulent Sale Deed in terms of Section 68(2) of the Registration Act. However, till date no orders have been passed. Hence, this Writ Petition is filed with the aforesaid prayer.

4. The learned counsel for the petitioners submitted that the petitioners inadvertently made representation to the 2 nd respondent instead of 1 st respondent. Hence, this Court may permit the petitioner to made representation to the 1 st respondent in terms of Section 68(2) of the Registration Act and in the light of the order passed by this Court in CRP.No.2954 of 2015, within a reasonable time that may be fixed by this Court.

5. The learned Special Government Pleader appearing on behalf of the official respondent has no serious objection for adopting the above



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course of action by this Court.

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6. This Court, without going into the merits of the case, grants permission to the petitioner to made representation to the 1st respondent within a period of two weeks from the date of receipt of a copy of this order. If such representation is made, the 1st respondent is directed to consider the petitioner's representation and pass appropriate orders on merits and in accordance with law, after providing an opportunity of hearing to the petitioners and to the aggrieved parties, if any, within a period of twelve weeks thereafter.

7. With the above direction, this Writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

06.04.2022

Index : Yes / No

Speaking order : Yes / No

Psa

To

1.The District Registrar,

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Registration Department,
Thiruvallur.

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2.The Sub Registrar,
Manavalan Nagar,
Sub Registration Office,
Manavalan Nagar,
Thiruvallur Taluk & District.

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Psa



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