



W.P.No.35910 of 20..

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.10.2022

Coram

The Honourable Mr.Justice M.DHANDAPANI

**W.P.No.35910 of 2015
and M.P.No.1 of 2015**

Mrs.Vaijayanthi

...Petitioner

Versus

1.The Inspector General of Registration,
Santhome,
Chennai – 600 004.

2.The Sub-Registrar,
Thirukazhukundram,
Kancheepuram District.

3.Sulochana

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the first respondent to consider and pass orders on my representation dated 21.10.2015 on requesting to pass necessary orders instructing the third respondent from desisting to register the cancellation of settlement deed Nos.6179/2006 and No.6180/2006 dated 11.10.2006 presented by petitioner's mother Sulochana W/o. B.R.Kothandaraja i.e., settlor unilaterally in respect of property having an extent of (i) Acre 0.13 cents at Survey No.191/11 (ii) Acre 0.20 cents at Old Survey No.124/1, New S.No.124/25, 124/26 Ayapakkam Village and post, Kancheepuram T.K, Kancheepuram District situated within the Sub-



Registration of Thirukazhukundram as per the various orders passed by this Court.

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For Petitioner	:	Mr.S.Rajakumar
For Respondents – 1 & 2	:	Mr.E.Vijay Anand, Additional Govt. Pleader
For Respondent – 3	:	Notice returned unserved with the postal endorsement, “No Such Person”

ORDER

The relief sought in this writ petition is to direct the first respondent to consider and pass orders on petitioner's representation dated 21.10.2015 requesting to pass necessary orders instructing the third respondent from desisting to register the cancellation of Settlement Deed Nos.6179 & 6180/2006 dated 11.10.2006 presented by petitioner's mother Sulochana i.e., settlor unilaterally in respect of property having an extent of (i) Acre 0.13 cents at Survey No.191/11 (ii) Acre 0.20 cents at Old Survey No.124/1, New S.No.124/25, 124/26 Ayapakkam Village and post, Kancheepuram T.K, Kancheepuram District situated within the Sub-Registration of Thirukazhukundram as per the various orders passed by this Court.

2. The case of the petitioner is that the agricultural properties having an extent of (i) Acre 0.13 cents comprised in Survey No.191/11 (ii) Acre 0.20 cents comprised in Old Survey No.124/1 & New Survey Nos.124/25,



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124/26 at Ayapakkam Village and post, Kancheepuram Taluk, Kancheepuram District situated within the Sub-Registration of Thirukazhukundram belonged to her mother/third respondent under Patta No.134 issued by the Tahsildar, Thirukazhukundram. Her mother settled the said properties in favour of her daughter/petitioner by way of two Settlement Deeds dated 11.10.2006 which were registered as Document Nos.6179 & 6180 of 2006 on the file of second respondent. From the date of execution of said Settlement Deeds, petitioner is paying the maintenance, land taxes and other charges to the Government. While so, petitioner's mother/third respondent insisted her daughter/petitioner to cancel the said Settlement Deeds, however, the petitioner refused to do so. So, the third respondent sent a notice dated 21.09.2015 to her daughter/petitioner, calling upon her to cancel the Settlement Deed or otherwise she would cancel the settlement deed unilaterally. Aggrieved over the notice issued by the third respondent, petitioner sent a representation dated 01.10.2015 to the first respondent, requesting to pass necessary orders instructing the third respondent from desisting to register the cancellation of Settlement Deeds executed in Document Nos.6179 & 6180 of 2006 dated 11.10.2006 as per the various orders passed by this Court, but, the first respondent has not yet



considered the petitioner's representation. Hence, left with no other alternative, petitioner has filed the present writ petition before this Court.

3. The learned counsel for the petitioner submitted that in the aforesaid Settlement Deeds, the third respondent herself clearly stated that she shall have no right to cancel the Settlement Deeds for any reason whatsoever or alter the terms thereof. He further submitted that a settlor by unilateral execution of Cancellation Deed could not annul a registered document duly executed by him/her. Moreover, the third respondent has no right in the subject properties since she settled the same in favour of her daughter/petitioner. Therefore, the learned counsel prayed this Court to issue appropriate direction to the first respondent to consider the petitioner's representation dated 01.10.2015 and pass appropriate orders, on merits and in accordance with law, within a time frame as stipulated by this Court.

4. The learned Additional Government Pleader appearing for the respondents 1 & 2 submitted that in the present case, the third respondent has not cancelled the aforesaid Settlement Deeds, however, the petitioner made a representation to the first respondent, seeking to desist the third



respondent from cancelling the Settlement Deeds. Therefore, this writ petition is liable to be dismissed.

5. Heard the learned counsel on either side and perused the materials placed before this Court.

6. Admittedly, petitioner's mother/third respondent had settled her properties to her daughter/petitioner by way of two Settlement Deeds dated 11.10.2006 and the said Settlement Deeds were registered as Document Nos.6179 & 6180 of 2006 on the file of second respondent. Subsequent to the execution of said Settlement Deeds, the third respondent sent a notice to the petitioner, calling upon him to cancel the said Settlement Deeds. So, the petitioner apprehends that the Settlement Deed would be cancelled by her mother/third respondent. Hence, she made a representation to the first respondent, requesting to desist the third respondent from cancelling the registered Settlement Deeds, however, her representation was not considered by the first respondent. Hence, the petitioner is before this Court.



7. Considering the above facts and circumstances of the case, this Court is of the opinion that the petitioner has filed the present writ petition on mere apprehension that her mother/third respondent would cancel the registered Settlement Deeds which were executed in her favour by her mother/third respondent. The petitioner has approached this Court by filing the present writ petition at the premature stage itself. Moreover, if any document is presented for registration as per the provisions of Registration Act as well as Stamp Act, the Registration Authorities are duty bound to decide the same, if it is otherwise in order. Therefore, the relief sought by the petitioner cannot be granted by this Court.

8. In the result, this writ petition is dismissed, however, liberty is granted to the petitioner to work out her remedy in the manner known to law, if the third respondent takes any coercive action against the petitioner. No costs. Consequently, connected miscellaneous petition is closed.

28.10.2022

mrr

Index : Yes/No

Speaking Order (or) Non-Speaking Order



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M.DHANDAPANI, J.

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