



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2022

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THE HON'BLE **MR.JUSTICE M.DHANDAPANI**

W.P.No.37856 of 2015

and

M.P.No.1 of 2015

R.Jayalakshmi

... petitioner

-Vs-

1. The Inspector General of Registration,
Santhome, Chennai-4.

2. The District Registrar,
Saidapet, Chennai.

3. The Sub Registrar-I,
Registration Office,
Saidapet, Chennai.

4. The Tahsildar,
Mambalam Taluk,
Ashok Nagar, Chennai-83.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, for issuance of Writs of Mandamus directing the respondents to consider the petitioner's representation dated 27.10.2015 consequently, direct the respondents 2 & 3 to accept the petitioner's cancellation deed dated 26.10.2015 cancelling the settlement deed No,7811/2015 registering on the file of the 3rd respondent.

For petitioner : Mr. N.Subramanian

For Respondents : Mr. C.Kathiravan, Spl. Govt. Pleader



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ORDER

This petition has been filed seeking a direction to the respondents to consider the petitioner's representation dated 27.10.2015 and consequently, direct respondents 2 & 3 to accept the petitioner's cancellation deed dated 26.10.2015, cancelling the settlement deed No.7811/2015 registered on the file of the 3rd respondent.

2. During the pendency of the writ petition, the petitioner died. Till date, the legal heirs of the petitioner are not impleaded in this case. The writ petition has been filed in the year 2015 and considering the pendency of the writ petition, this Court is inclined to dispose of the case.

3. It is the case of the petitioner that the deceased petitioner is the mother and she had two children and she has purchased a property in her favour bearing Plot No.7A, New Door No.17, Vinayagar Koil Street, Sastri Nagar, Saidapet West, Chennai-15, measuring an extent of 1200 sq. ft., from one Meera Bai vide document No.336 of 1978. In the year 2015, the petitioner's has agreed to settle the property in favour of her children. But the petitioner's son got her



and pass appropriate orders after hearing the petitioner's daughter, who is the one of the legal heir.

5. Learned Special Government Pleader submitted that this Court may grant liberty to the petitioner's daughter to make a fresh representation before the second respondent seeking cancellation of the settlement deed which was produced by her mother.

6. Heard both sides and perused the materials available on record.

7. Considering the facts and circumstances of the case and in view of the limited request made by the learned counsel for the petitioner, this Court permits the petitioner's daughter, who is the one of the legal heir, to make a fresh representation to the second respondent for cancellation of the settlement deed in respect of the subject property, within a period of two weeks from the date of receipt of a copy of this order. Upon receipt of such representation, the second respondent shall consider the same and pass appropriate orders, after hearing the petitioner's daughter, within a period of twelve weeks, thereafter, under Section 77 A of the Registration Act.



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8. With the above directions, the writ petition is disposed of. No costs.

28.11.2022

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Index : Yes/No

Internet: Yes/No

Speaking Order : Yes/No

To

1. The Inspector General of Registration,
Santhome, Chennai-4.

2. The District Registrar,
Saidapet, Chennai.

3. The Sub Registrar-I,
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Saidapet, Chennai.

4. The Tahsildar,
Mambalam Taluk,
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M.DHANDAPANI, J.

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