



W.P.No.42434 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.08.2022

CORAM:

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

W.P.No.42434 of 2016

S.Anitha

. . . Petitioner

Vs.

1. The Inspector General of Registration
Office of the Inspector General of Registration
Santhome High Road,
Santhome, Chennai 600 028.
2. The District Registrar-Chennai North
Office of the District Registrar-Chennai North
Rajaji Salai, Chennai- 600 001.
3. The Sub Registrar,
SRO Madhavaram,
Chennai-600 060.
4. Dili Babu
5. M.Yasoda

. . . Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India,
to issue a Writ of Mandamus, or any other Writ, Order or Direction,



W.P.No.42434 of 2016

directing the Respondents 1 to 3 to annul/cancel the Settlement Deed dated 6.1.2012, Doc./No.113 of 2012 executed by 5th Respondent in favour of the 4th Respondent from the file of the 3rd Respondent.

For Petitioner : M/s. T.Sundar Rajan

For Respondents : Mr.Yogesh Kannadasan

Special Government Pleader for R1 to R3

: M/s L. Karthi,

Government Advocate for R4.

: M/s. K. Krishnan for R5

ORDER

The present petition has been filed seeking a direction to the respondents 1 to 3 to cancel the settlement deed dated 06.01.2012 which was executed by the 5th respondent in favour of the 4th respondent.

2. It is the case of the petitioner that the 5th respondent who is the mother-in-law of the petitioner had purchased the subject property from one R.Ekambaram by way of a sale deed dated 1.11.1993. Thereafter, the 5th respondent having decided to settle certain portion of the property, had executed a settlement deed dated 21.03.2006 in favour of the petitioner's



W.P.No.42434 of 2016

husband namely Santhanam, settling the rear portion of the property and thereafter, the said property was settled in favour of the petitioner. Further, the front portion of the property was settled in favour of the 4th respondent who is the brother of the petitioner's husband, vide the settlement dated 15.11.2005. While being so, the 5th respondent had executed another settlement deed dated 06.01.2012 in favour of the 4th respondent, in respect of the very same portion of the property, which was earlier settled in favour of the petitioner's husband. Aggrieved by the same, the petitioner made a representation dated 29.09.2016 seeking to cancel the Settlement dated 06.01.2012 which was executed in favour of the 4th respondent, however, till date, no orders have been passed on her representation. Hence, the present petition has been filed.

3. This Court heard the learned counsel on the either side.

4. A careful analysis of the facts in the present case reveal that the issue involved in the present case pertains to the title of the subject property which requires adjudication of oral and documentary evidence and therefore,



W.P.No.42434 of 2016

the same cannot be decided by this Court under Article 226 of the Indian Constitution. Therefore, the liberty is granted to the petitioner to work out her remedy before the competent Civil Court.

5. Accordingly, this Writ Petition is disposed of with the aforesaid liberty. No Costs.

04.08.2022

NHS

Index : Yes / No

Internet : Yes / No



W.P.No.42434 of 2016

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M.DHANDAPANI, J.

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