

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2022

CORAM

THE HONOURABLE Mr. JUSTICE M.DHANDAPANI

WP.No.17412 of 2014
and M.P.No.1 of 2014

C.Sudhakumari

.. Petitioner

Versus

1.The District Registrar
Kamaraj Salai Saram Puducherry-605013.

2.The Sub-Registrar
Moopanar Complex Villianur
Pondicherry - 605110.

3.Shri. Pargunan

4. Smt. Sivakami

.. Respondents

Prayer :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 and 2 relating to document No.1690/2008 on the file of the Sub Registrar and cancel the same as null and void.

For Petitioner : Mr.Usha Ramman

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

This writ petition is filed seeking direction to the the respondents 1 and 2 relating to document No.1690/2008 on the file of the Sub Registrar and cancel the same as null and void.

2. According to the petitioner, he purchased the land at R.S.Nos.46/2 measuring 46 are 65 santarie and R.S.No.26/8 measuring 21 are 33 santarie and R.S.No.27/4 measuring 11 kuzhie 13 Veesam and R.S.No.27/6 measuring 6 are in Tirukanchi village, Villianoour commune Pondicherry from the legal heirs of the Manicka Gounder and Ponnukannau Gounder for a valid

consideration under Doc.No.6781/2007 comprising 2/3 share of the total lands of the aforesaid legal heirs. While so, 1/3 of the properties is said to have in the possession of the said Pargunan, but, said Pargunan has settled the entire property under Doc.No.1690/2008 in the favour of his wife which is a fraudulent transaction and had trespassed into the petitioner's property. Against which, the petitioner made several representations to the respondents to cancel the said fraudulent settlement deed and the same are pending without consideration. Hence, this writ petition.

3. When the matter is taken up for hearing, the learned counsel for the petitioner seeks permission of this Court to file appropriate petition before the competent civil Court against the private respondent to cancel the settlement deed dated 20.03.2008 and canvas all the points before the concerned Court.

4. Heard the learned counsel for the petitioner, the learned Special Government Pleader appearing on behalf of the Government and perused the materials available on record.

5. In view of the submissions made by the learned counsel for the petitioner, this Court, without disturbing with the merits of the case, permits the petitioner to file appropriate petition/application before the competent civil Court and canvas all the points before the said court for getting appropriate remedy.

6. With the above directions, this Writ Petition is disposed of. No costs. However, liberty is granted to the petitioner to work out his remedy in the manner known to law. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-IX)

//True copy//

Sub Assistant Registrar

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To

1.The District Registrar
Kamaraj Salai Saram Puducherry-605013.

2.The Sub-Registrar
Moopanar Complex Villianur
Pondicherry - 605110.

+1cc to M/s.Usha Ramman, Advocate SR.No.37560

+1cc to Government Pleader SR.No.38227

WP.No.17412 of 2014

PM(CO)
GMY(19/07/2022)