



WEB COPY



W.P.No.25461 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.25461 of 2022

and

W.M.P.No.24461 of 2022

Sasikumar

... Petitioner

Vs.

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

2.The District Registrar,
Chengalpattu District,
Chengalpattu.

3.The Sub Registrar,
Office of Sub Registrar,
Cheyyur.

4.Elanthirayan

5.Santheep

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to consider the petitioner's representation dated 11.08.2022 by cancelled the Release Deed vide document No.381/2014 dated 11.12.2014 and subsequent Settlement Deed vide document No.1400 of 2015 dated 13.05.2015 registered in the office of S.R.O., Cheyyur, Chengalpattu District.



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For Petitioner : Mr.T.Gnana Banu
For R1 to R3 : Mr.G.Krishna Raja,
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus to direct the respondents 1 to 3 to consider the petitioner's representation dated 11.08.2022 by cancelling the Release Deed vide document No.381/2014 dated 11.12.2014 and subsequent Settlement Deed vide document No.1400 of 2015 dated 13.05.2015 registered in the office of S.R.O., Cheyyur, Chengalpattu District.

2. Since no adverse order is being passed against the private respondents, notice to the private respondents is dispensed with.

3. The case of the petitioner is that the property situated at S.No.257/1, Sunambedu Village, Cheyyur Taluk, Chengalpattu District of an extent of 89 cents originally belongs to petitioner's grandmother, namely Dhanabakkiyam. The said property was allotted to said Dhanabakkiyam by the Sub-Collector, Chengalpattu District on 21.10.1990 and patta was also issued in her favour. After her demise, in order to grab the aforesaid property, the fourth respondent, who is the uncle of the petitioner has got alleged Legal



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Heir Certificate from the Village Administrative Officer, Sunambedu Village.

Further, on the strength of the alleged Legal Heir Certificate, the fourth respondent obtained Release Deed, dated 11.12.2014, vide Doc.No.381 of 2015 registered in the office of Sub Registrar Office, Cheyyur and subsequently the fourth respondent herein had executed the Settlement Deed, dated 13.05.2015 in favour of fifth respondent/his son herein, vide Doc.No.1400 of 2015 registered in the office of Sub Registrar Office, Cheyyur. In this regard, the petitioner made a representation dated 11.08.2022 before the respondents 1 to 3, seeking to conduct enquiry and to cancel the document in Released Deed, dated 11.12.2014 executed in favour of fourth respondent and Settlement Deed, dated 13.05.2015 executed by the fourth respondent in favour of fifth respondent. Since the said representation was not considered by the respondents 1 to 3, the petitioner filed the present Writ Petition.

4. Though very many grounds have been raised in this Writ Petition, the learned counsel for the petitioner submitted that, it would suffice, if this Court issues a direction to the respondents 1 to 3 to consider the petitioner's representation dated 11.08.2022 and pass orders on the same within a particular time frame that to be fixed by this Court.



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5. Heard the learned counsel for the petitioner as well as the learned Additional Government Pleader appearing for the respondents 1 to 3 and perused the materials available on record.

6. A perusal of the records, reveals that the issue arises in the present Writ Petition is purely a Civil dispute between the petitioner and the private respondents, which has to be decided only before the Competent Civil Court, and the same cannot be entertained under Article 226 of the Constitution of India. In view of the above, this Court permits the petitioner to approach the Competent Civil Court to agitate his grievance as against the private respondents, who executed the Release Deed, dated 11.12.2014, vide Doc.No.381 of 2015, and Settlement Deed, dated 13.05.2015, vide Doc.No.1400 of 2015.

7. With the above observations and direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

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Index : Yes / No
Speaking order: Yes/ No

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M.DHANDAPANI, J.,

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