



WEB COPY



WP.No.26057 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2022

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

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D.Vasanthi

.. Petitioner

Versus

1.The Inspector General of Registration
100, Santhome High Road
Raja Annamalai Puram
Chennai – 600 028

2.The District Registrar
Office of the District Registrar
Perumal Koil Street
Tindivanam – 604 001
Villupuram District

3.The Sub-Registrar
The Sub Registrar Office
Vallam
Tindivanam Taluk
Villupuram District – 604 206

4.D.Loganathan

5.K.Dhanalakshmi

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the First Respondent to consider the Petitioner's representation dated 18.08.2022 to cancel the Illegal Gift Settlement Deed Document No.570 of 2015 dated 20.03.2015 executed by D.Loganathan the Fourth Respondent herein in the name of his wife K.Dhanalakshmi, W/o.D Loganathan, the Fifth Respondent herein in the office



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of The Sub – Registrar, Vallam, Tindivanam Taluk, Villupuram District, PIN 604206 on the Undivided share of the petitioners Ancestral and Joint Family Nanja Landed Properties situated in the Rettanai Village in Survey Nos.detailed below in Tindivanam Taluk Villupuram District, PIN. 604 306.

For Petitioner : Mr.C.Samadharmarasu
For Respondents : Mr.C.Kathiravan for R1 to R3
Special Government Pleader

ORDER

This writ petition is filed seeking for the issuance of Writ of Mandamus to direct the first respondent to consider the petitioner's representation dated 18.08.2022 to cancel the Illegal Gift Settlement Deed in Document No.570 of 2015 dated 20.03.2015 executed by the fourth Respondent in the name of his wife, the fifth respondent in the office of third respondent on the undivided share of the petitioners ancestral and joint family nanja landed properties situated in the Rettanai Village in Tindivanam Taluk, Villupuram District.

2. According to the petitioner, she is one of the owners of the nanja land being the ancestral properties comprised in S.Nos.180/1A, 180/1B, 180/3, 181/2, 203/1, 203/2, 203/5A3, 203/8A, 204/1A1, 204/1B, 204/2, 204/3, 204/4, 208/2B, situated in Rettanai Village, Tindivanam Taluk, Villupuram District. She and her brother, viz., the fourth respondent are the legal heirs of her deceased father namely Mr.K.Desingu, who passed away on 30.05.2015. The grievance of the petitioner is that without her consent, the fourth respondent by



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way of threat and coercion, forced her deceased father to execute a settlement deed in his favour vide Doc. No. 568/2015 dated 18.03.2015 on the file of the third respondent without the knowledge of the petitioner. Thereafter, on 20.03.2015, the fourth respondent executed the settlement deed in respect of the subject properties in favour of the fifth respondent in Doc.No.570/2015 on the file of the third respondent. In furtherance to the said settlement deed, the fifth respondent has obtained patta in her name from the revenue officials in Patta No. 11623. Aggrieved by the said action, the petitioner made a representation to the first respondent on 18.08.2022 for proper enquiry and cancellation of the above settlement deed executed in favour of the fifth respondent based on which the patta in Patta No. 11623 was issued. The said representation is pending without consideration till date. Hence, this petition.

3. The learned counsel for the petitioner submitted that admittedly, the sister brother relationship between the petitioner and the fourth respondent is not in dispute and the entire properties are the ancestral properties. The said act of the fourth respondent in executing the settlement deed in respect of the undivided share in the ancestral properties in favour of the fifth respondent is illegal and non est in law and further iterated that the settlement deed in Doc.No.570 dated 20.03.2015 executed in favour of the fifth respondent is not



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sustainable. Hence, he seeks this Court for issuance of direction to the first respondent for proper enquiry and cancellation of the above settlement deed executed in favour of the fifth respondent.

4. Heard both sides and perused the materials placed on record.

5. The facts of the present case are not in dispute. The petitioner claims that the alienation of the subject properties in favour of the fifth respondent by virtue of a settlement deed executed by the fourth respondent is not a sustainable one and further claims that the petitioner and fourth respondent are the legal heirs of her deceased father namely Mr. K.Desingu Gounder and she is entitled to half share of the subject properties, however, it is alleged that the fourth respondent has illegally got settlement from her deceased father and further alienated the same to the fifth respondent. Further, the sister-brother relationship between the petitioner and the fourth respondent is not in dispute and the petitioner's father had passed away in the year 2015.

6. A careful perusal of the materials available on record reveals that it is alleged that the properties are ancestral properties and that the share of the petitioner has also been settled by the 4th respondent in favour of the fifth



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respondent. It is to be pointed out that in respect of ancestral properties in which share is claimed by the petitioner, the course open to the petitioner is to file a suit before the competent Civil Court and establish her right to a share in the properties and it is not open to the petitioner to seek the said relief under the extraordinary jurisdiction of this Court and the second respondent has no power to cancel the settlement deed.

7. For the reason aforesaid, this writ petition stands dismissed. No costs. However, liberty is granted to the petitioner to work out the remedy before the appropriate forum by filing appropriate suit. No costs.

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dhk

Index: Yes/No

Internet: Yes/No

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