



W.P.No.30920 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2022

CORAM:

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

W.P.No.30920 of 2022

Anjalai

...Petitioner

Vs.

1. The District Collector,
Office of the District Collector,
Puducherry.
2. The Sub Divisional Magistrate North,
Puducherry.
3. The Sub-Registrar,
Sub-Registrar Office,
Puducherry.
4. The Tahsildar,
Office of the Taluk,
Puducherry.

5. Umapathy

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining the order passed in MWPSO No 14/2022 dated 03.08.2022 on the file of the 2nd respondent and quash the same subsequently direct the



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2nd respondent to cancel the settlement deed vide Document No.1358/2011 on the file of 3rd respondent.

For Petitioner : Mr.V.Thiyagarajan

For Respondents : Mr.S.Raveekumar,
Government Pleader (Puducherry)

ORDER

This petition has been filed seeking for quashment of the order of the 2nd respondent passed in MWPS No.14/2022 dated 03.08.2022 and for a consequential direction to the 2nd respondent to cancel the settlement deed bearing Document No.1358/2011.

2. The case of the petitioner is that the petitioner and her family members are residing in a house site property situated at Door No.20, 1st Cross Street, Sidhanandha Nagar, Karuvadikuppam Village, Puducherry District and the said property belongs to Sri Guru Sidhanadha Devastanam. On 28.02.2011, the authorized representatives of the said Devastanam had executed a sale deed in favour of petitioner which was registered as Document No.944 of 2011 on the file of third respondent. While so, the 5th respondent, who is none other than the petitioner's elder son, had



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fraudulently obtained a Settlement Deed in his favour and registered the same as Document No.1358 of 2011. Thereafter, on 05.04.2012, without the knowledge of the petitioner and her family members, the 5th respondent had executed a mortgage deed in favour of one Shanmugam. Being an aggrieved senior citizen, the petitioner gave a petition dated 22.03.2022 to the respondents 1 to 4 for cancellation of the above said Settlement Deed and the same was taken on file in MWPS No.14 of 2022. However, the 2nd respondent, vide order dated 03.08.2022 has dismissed the said petition on the ground that, this issue is beyond his jurisdiction and advised the petitioner and the 5th respondent to approach the appropriate forum. Challenging the same, the petitioner has come up with this Writ petition.

3. Pursuant to the order of the Court dated 21.11.2022, the 2nd respondent appeared before this Court and he genuinely accepted the error in his part in passing the impugned order and sought for further time to recall the order dated 03.08.2022.

4. In view of the fair stand taken by the 2nd respondent, the impugned



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order dated 03.08.2022 passed by the 2nd respondent in MWPSC No.14/2022 is set aside and the matter is remanded back to the 2nd respondent for fresh consideration and the 2nd respondent is directed to pass appropriate orders on merits and in accordance with law, after affording opportunity of personal hearing to the petitioner and private respondent and the said exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

5. With the above observations and directions, this Writ petition is allowed. No costs.

28.11.2022

skt

Index : Yes/No

Speaking order : Yes/No

To:

1. The District Collector,
Office of the District Collector,
Puducherry.
2. The Sub Divisional Magistrate North,
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3. The Sub-Registrar,
Sub-Registrar Office,
Puducherry.

4. The Tahsildar,
Office of the Taluk,
Puducherry.

M.DHANDAPANI, J.

skt

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