



WEB COPY



W.P. No. 31300 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.31300 of 2022
and
W.M.P.No.30733 of 2022

S. Venkidu

.. Petitioner

Versus

1. The Joint Sub Registrar Office-I
No.32/58, North Park Street,
Gopichettipalayam,
Erode District,
Tamil Nadu – 638 452.

2. The Sub Collector/The Revenue Divisional Office,
SH-15, Gobichettipalayam, Erode Road
Erode District, Collectorate, Erode 638 452

.. Respondent

Writ Petition filed under Article 226 of the Constitution of India

praying this Court to issue a writ of certiorarified Mandamus calling for the records relating to the order dated 26.09.2022 passed by the first respondent herein made in Mu.Mu.No.2737/E/2022 on the file of the Joint Sub Registrar Office-1 Gobichettipalayam, the first respondent herein and quash the same and consequently direct the first respondent to delete the



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entry of the cancellation of the Settlement deed dated 05.09.2001, registered as Document No.1451/2001 on the file of the Sub Registrar, Gobichettipalayam and pass orders.

For Petitioner : Mr. M.A. Aruneshe for A.V. Arun

For Respondents : Mr.C.Kathiravan
Special Government Pleader

ORDER

The present writ petition has been filed to delete the entry of the cancellation of the Settlement deed dated 05.09.2001, registered as Document No.1451/2001 on the file of the Sub Registrar, Gobichettipalayam

2. The case of the petitioner is that the petitioner is the son of one V.C. Sekar. The petitioner acquired the subject property by way of settlement deed executed by his father/ V.C. Sekar on 05.09.2001 vide document No.1451 of 2001. Further the petitioner's father made a complaint before the Maintenance and Welfare of Parents and Senior citizen Act, 2007 seeking for maintenance from the petitioner and petitioner's sister, whereby the second respondent by an order dated 14.09.2016 has directed the petitioner and his sister to pay a sum of



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Rs.2,000/- each every month and also passed the order to cancel the settlement deed dated 05.09.2001. Aggrieved over the same the petitioner preferred an appeal before the first respondent who has upheld the order of the second respondent vide order dated 09.12.2016 with regard to maintenance and with regard to the remaining portion of the order the matter was remanded back to the second respondent. Challenging the same the petitioner filed a Writ petition in W.P.No.3615 of 2017 and this Court by its order dated 15.07.2022 directed that the order of the second respondent in cancelling the settlement deed made in favour of the petitioner is set aside and the settlement deed is in tact in favour of the petitioner. However the entry made in the Registration Website with regard to the cancellation of the settlement deed has not yet removed. Hence, the petitioner has come forward with the present writ petition under Article 226 of the Constitution of India.

3. The learned counsel for the petitioner this Court already made a direction to delete the entry with regard to the cancellation of the settlement deed. However the Registration authorities has not yet removed the same. Hence prays for appropriate orders.



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

5. A perusal of the records reveal that the cancellation of settlement order dated 09.12.2016 was challenged before this Court in W.P.No.3615 of 2017 and this Court by order dated 15.07.2022 set aside the cancellation of the settlement deed and held in favour of the petitioner. However, the grievance of the petitioner is that the entries relating to the cancellation of settlement deed, has not yet been removed and it continues to be shown in the encumbrance certification for which they made application, which resulted in rejection by passing the impugned order. It is to be pointed out that once this Court had allowed the writ petition in W.P.No. 3615 of 2017, it is the duty of the revenue officials to carry out the necessary correction in the encumbrance certificate and without doing the same, the rejection of the application filed by the petitioner to remove the entry is wholly unsustainable.

6. Accordingly, the order impugned herein is set aside and the matter is remanded to the first respondent to implement the order passed by this



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Court in W.P.No.3615 of 2017 dated 15.07.2022. Accordingly, the writ petition is allowed with the aforesaid directions. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

24.11.2022

Index : Yes / No

Internet : Yes / No

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M.DHANDAPANI, J.

smn

To

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