



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.02.2022

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD) .No.2267 of 2022

and

W.M.P (MD) .No.1971 of 2022

WEB COPY

Gokulkrishna

... Petitioner

Vs.

1.The District Registrar,
Kumbakonam Registration District,
Thanjavur District.

2.The Sub Registrar,
Sub-Registrar Office,
Thiruvidaimaruthur,
Thanjavur District.

3.K.N.Palanivelu

4.Kiruja

... Respondents

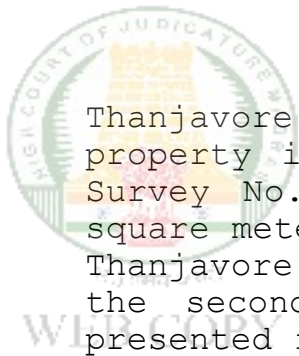
Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, by directing the second respondent not to register cancellation deed in respect of the gift deed dated 24.01.2020 in Document No.171 of 2020, the properties in Patta No.445 in Old Survey No.154/2 for new Survey No.154/1 in Door Nos.45, 45/1 and 45/2 country tiled houses to an extent of 400 Sq.meters Melachalai, Thiruvidaimaruthur Village, Thiruvidaimaruthur Taluk, Thiruvidaimaruthur SRO and Kumbakonam Registration District on the basis of the petitioner's representation dated 25.01.2022 and to quash the same.

For Petitioner : Mr.R.Rajaraman
For R-1 and R-2 : Mr.D.Ghandiraj,
Special Government Pleader.

ORDER

Heard Mr.R.Rajaraman, learned counsel for the petitioner and Mr.D.Ghandiraj, learned Special Government Pleader who takes notice for the first and second respondents.

2. The third respondent is the father of the petitioner and the fourth respondent is the wife of the third respondent. The third respondent herein/father had executed a gift deed in favour of the petitioner on 24.01.2020 which was registered in Document No.171 of 2020 in the office of the Sub-Registrar in Thiruvidaimaruthur,



Thanjavore District.. This settlement deed was with respect to property in Patta No.445 situated in Old Survey No.154/2 and New Survey No.154/1, Door Nos.45, 45/1 and 45/2 measuring about 400 square meters in Melachalai, Thiruvidaimaruthur Village, Kumbakonam, Thanjavore District. The petitioner had given a representation to the second respondent on 25.01.2022 that if any documents are presented for registration he should be informed.

3. I am confident that the second respondent would inform the petitioner if any document is presented for registration. But, a Mandamus cannot be issued to the second respondent not to register the documents. If the documents are lawfully presented, then an obligation is placed on the second respondent to register the said documents if it is otherwise in order.

4. The petitioner also has the option of filing a suit seeking necessary protective relief with respect to the documents already executed in his favour. He had already submitted a representation to the second respondent and I am confident that the second respondent will keep that in mind when any document relating to the aforementioned property is presented for registration. The Writ at this stage, as pointed out by the Special Government Pleader is premature since the petitioner had stated that the respondents only intend to cancel the settlement deed.

5. In view of the nature of the order passed, I am not issuing notice to the third and fourth respondents.

6. Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD I)

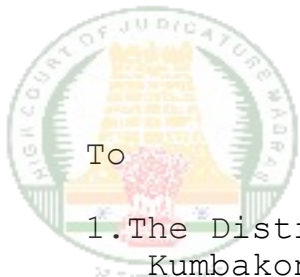
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/ /2022

Sub Assistant Registrar(CS)

Nsr

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

1.The District Registrar,
Kumbakonam Registration District,
Thanjavur District.

2.The Sub Registrar,
Sub-Registrar Office,
Thiruvidaimaruthur,
Thanjavur District.

+1 CC to M/s.R.RAJARAMAN, Advocate (SR-4167[F] dated 04/02/2022)

W.P. (MD) .No.2267 of 2022
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MGJ(01.03.2022) 3P 4C