



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.4333 of 2022

Saraswathi.

.. Petitioner

Vs

1.The District Registrar,
Registration Department,
SH 22, Anna Nagar,
Kumbakonam - 612 001.

2.The Sub Registrar,
Registration Department,
The Sub Registrar's Office,
Swamimalai,
Kumbakonam.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 2nd Respondent to consider petitioners objection petition, dated 31.01.2022 and to cancel the documents in Doc Nos.1035, 1150 on the file of the 2nd Respondent.

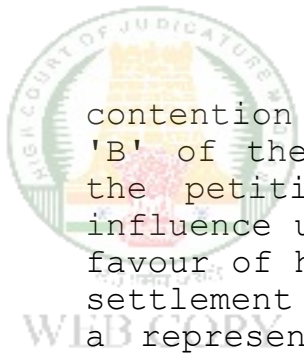
For Petitioner : Mr.P.Mani Anandh for
M/s.R.Maheswaran

For Respondents : Mr.J.John Rajadurai
Government Advocate

ORDER

This writ petition has been filed for a Mandamus, seeking for a direction to the second respondent to consider the petitioner's objection petition, dated 31.01.2022, seeking for cancellation of the two documents bearing Registration Nos.1150 of 2020 and 1035 of 2021, on the file of the second respondent and pass orders, within a time frame to be fixed by this Court.

2.The case of the petitioner is that she is the first wife of her late husband Kathirvel. According to her, through the second wife her husband had one daughter and one son. According to the petitioner, the second wife of her husband fraudulently obtained a settlement deed in her favour, registered as document No.1150 of 2020, on the file of the second respondent. Thereafter, the second wife has executed a settlement deed in her daughter's favour on 01.04.2021, registered as document No.1035 of 2021. It is also the



contention of the petitioner that without having title over schedule 'B' of the property mentioned in the respective settlement deeds, the petitioner's late husband Kathirvel, by coercion and undue influence used by his second wife, has executed a settlement deed in favour of his second wife and thereafter, she in turn had executed a settlement deed in favour of her daughter. The petitioner has given a representation on 31.01.2022, seeking for cancellation of the aforementioned documents by submitting a protest petition. Since the same was not considered till date, she has filed this writ petition.

3. Heard Mr.R.Maheswaran, learned counsel for the petitioner and Mr.J.John Rajadurai, learned Government Advocate, who accepts notice on behalf of the respondents.

4. On instructions, the learned Government Advocate, would submit that the protest petition has been given by the petitioner one year after the execution of the settlement deed. The same is recorded. However, he would submit that the respondents are willing to consider the petitioner's representation on merits and in accordance with law, after affording a fair hearing to the petitioner and the persons in whose name the settlement deeds stand. The same is also recorded.

5. After recording the submissions by the respective counsels, this Court directs the second respondent to consider the petitioner's representation, dated 31.01.2022, seeking for cancellation of document Nos.1150 of 2020 and 1035 of 2021, on the file of the second respondent on the ground that they have been fraudulently registered and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner and the persons in whose respective names, the said documents stand, within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the aforesaid directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-III)

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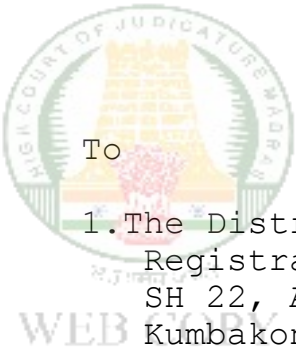
/ /2022

Sub Assistant Registrar(CS)

TM

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,
Registration Department,
SH 22, Anna Nagar,
Kumbakonam - 612 001.

2.The Sub Registrar,
Registration Department,
The Sub Registrar's Office,
Swamimalai,
Kumbakonam.

+1 CC to M/s.R.MAHESWARAN, Advocate (SR-11649[F] dated 11/03/2022)

+1 CC to M/s.SPL GP (SR-11847[F] dated 14/03/2022)

W.P. (MD)No.4333 of 2022
11.03.2022

kg (CO)

TR(24.03.2022) 3P 5C