



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.03.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.4906 of 2022

and

W.M.P.[MD]No.4046 of 2022

WEB COPY

S.Navin Rengasamy

... Petitioner

/Vs./

1.The District Registrar,
Dindigul District, Dindigul.

2.The Sub Registrar,
Iyyampalayam Sub Registration Office,
Dindigul District - 624 204.

3.R.Suresh

4.Krishnapriya Parthasarathy

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st Respondent to consider the petitioner's Appeal dated 12.03.2022 and cancel the registration of the settlement deed dated 30.07.2019 executed by the 3rd respondent in respect of the 4th respondent and registered as document No.1149/2019 in the office of the 2nd respondent.

For Petitioner : Mr.K.Vinoharan

For R1 & R2 : Mr.S.Shanmugavel

Additional Government Pleader

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the first respondent to dispose of the petitioner's statutory appeal dated 12.03.2022, within a time frame to be fixed by this Court.

2.The case of the petitioner is that the third respondent is his father. It is also his case that the third respondent's sister, Mrs.Jeyalakshmi, executed a registered will dated 10.08.2017, under which, the third respondent was granted life interest and after his lifetime, the property was allotted to the petitioner. It is the contention of the petitioner that despite the same, the third respondent has executed a settlement deed on 30.07.2019 in favour of the fourth respondent, who is his sister. The petitioner has filed a statutory appeal before the first respondent on 12.03.2022 seeking for cancellation of the said settlement deed. The petitioner seeks for early disposal of the statutory appeal in this writ petition.



3.Heard Mr.K.Vinoharan, learned counsel appearing for the petitioner and Mr.S.Shanmugavel, learned Additional Government Pleader, who accepts notice on behalf of the respondents 1 and 2.

4.No prejudice would be caused to the official respondents, if the petitioner's statutory appeal dated 12.03.2022 pending on the file of the first respondent seeking to cancel the settlement deed dated 30.07.2019 is disposed of expeditiously within a time frame to be fixed by this Court.

5.The petitioner has filed the copies of the registered will and settlement deed before this Court, in support of his contention that the third respondent is not empowered to execute the settlement deed in favour of his sister, as he is only having life interest for the subject property as per the will executed by Mrs.Jeyalakshmi. All these factors will have to be considered by the first respondent while disposing of the statutory appeal filed by the petitioner. The petitioner only seeks for early disposal of the statutory appeal before this Court.

6.For the foregoing reasons, this Court directs the first respondent to pass final orders in the petitioner's statutory appeal dated 12.03.2022 seeking for cancellation of the settlement deed dated 30.07.2019 registered as document No.1145 of 2019, on merits and in accordance with law, after affording a fair hearing to the petitioner, the respondents 3 and 4 and any other necessary party, whom the first respondent deems fit to enquire, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

7.Since the petitioner has stated in the affidavit that the fourth respondent is attempting to further alienate the property, the petitioner's interest has to be protected till the disposal of the statutory appeal by the first respondent. Accordingly, the respondents 1 and 2 are restrained from recording further registrations in respect of the subject property, till the disposal of the statutory appeal filed, by the first respondent.

8.With the aforesaid direction, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



To

1.The District Registrar,
Dindigul District, Dindigul.

2.The Sub Registrar,
Iyyampalayam Sub Registration Office,
Dindigul District - 624 204.

+1 CC to M/s.G.PRABHU RAJADURAI, Advocate (SR-13417[F] dated
22/03/2022)

+1 CC to M/s.SPL GP (SR-13481[F] dated 22/03/2022)

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RD(30.03.2022) 3P 5C