



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **19.04.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.7291 of 2022

M.Silor Mani

... Petitioner

/Vs./

1.The District Registrar,
District Registrar Office,
Thoothukudi District.

2.The Sub Registrar,
Ottapidaram Sub Registrar Office,
Thoothukudi District.

3.M.Palraj

4.P.Velammal

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the Respondents to consider the representation made by the petitioner dated 07.04.2022 to declare the unilateral cancellation of settlement deed bearing No.2207/2021 dated 08.11.2021 on the file of the 2nd Respondent is null and void in light of the judgment in 2019 (11) SCC 391 S.Sarojini Amman - Vs- Valayuthan Pillai Sreee Kumar and the Judgment in Wp.No.27277 of 2019 dated 03.12.2019 Devika Rani Vs Varadarajulu.

For Petitioner : Mr.I.Pinaygash

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 official respondents to consider the representation of the petitioner dated 07.04.2022 to declare the unilateral cancellation of settlement deed bearing No.2207/2021 dated 08.11.2021 on the file of the 2nd Respondent as null and void, within a time frame to be fixed by this Court.

2.The petitioner, who is the mother of two minor children, in whose favour, the settlement deed was executed by the third and fourth respondents is aggrieved by the unilateral cancellation of the same by the third and fourth respondents under the cancellation of the settlement deed dated 08.11.2021 registered as Document No.2207 of 2021. The petitioner has given a representation on 07.04.2022 to the official respondents calling upon them to cancel



the cancellation of the settlement deed dated 08.11.2021 registered as Document No.2207 of 2021. Since the said representation has not been considered till date, the petitioner has filed this writ petition.

3.Heard Mr.I.Pinaygash, learned Counsel for the writ petitioner and Mr.S.Shanmugavel, learned Additional Government Pleader, who accepts notice on behalf of the official respondents.

4.The learned counsel appearing for the petitioner drew the attention of this Court to the cancellation of the settlement deed dated 08.11.2021 registered as Document No.2207 of 2021 and would submit that being an unilateral cancellation, the same is bad in law. In such circumstances only, the petitioner has given a representation on 07.04.2022 requesting the official respondents to cancel the document bearing Document No.2207 of 2021 dated 08.11.2021. Admittedly, the said representation has not been considered till date.

5.No prejudice would be caused to the official respondents, if the petitioner's representation is considered on merits and in accordance with law, after affording a fair hearing to the petitioner, the respondents 3 and 4 as well as any other necessary party, whom the first respondent deems fit to enquire.

6.For the foregoing reasons, this Court directs the first respondent to consider the petitioner's representation dated 07.04.2022 requesting the official respondents to cancel the Document dated 08.11.2021 registered as Document No.2207 of 2021 on the file of the second respondent and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner, the respondents 3 and 4 including granting them the right of personal hearing, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

7.With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs.

Sd/-

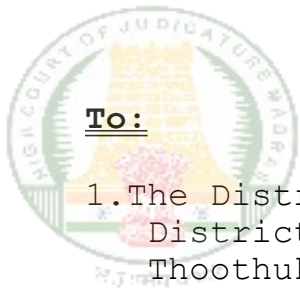
Assistant Registrar (A.D.I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To:

1.The District Registrar,
District Registrar Office,
Thoothukudi District.

2.The Sub Registrar,
Ottapidaram Sub Registrar Office,
Thoothukudi District.

+1 CC to M/s.SPL.GP. (SR-19741[F] dated 20/04/2022)

+1 CC to M/s.I.PINAYGASH, Advocate (SR-20232[F] dated 21/04/2022)

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