



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.8045 of 2022

R.Sivanu

.. Petitioner

Vs

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

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

3.S.Paramasivam

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the Respondent Nos.1 and 2 to consider the representation made by the Petitioner dated 10.12.2021 and cancel the fraudulent Settlement deed registered in Document No. 808/2021 dated 08.03.2021 on the file of 2nd Respondent within the time stipulated by this Court.

For Petitioner : Mr.I.Pinaygash

For Respondent : Mr.J.John Rajadurai for R1 and R2
Government Advocate

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents 1 and 2 to consider the petitioner's representation, dated 10.12.2021, seeking for cancellation of the alleged fraudulent settlement deed, registered as document No.808/2021, dated 08.03.2021, on the file of the second respondent, within a time frame to be fixed by this Court.

2.The petitioner is the father and the third respondent is his son. According to the petitioner, the third respondent has obtained the signature of the petitioner for the purpose of getting Encumbrance certificate for the property and by misusing his signature got a settlement deed executed in his favour dated 08.03.2021, registered as document No.808/2021. The petitioner seeks for cancellation of the said document. He has given a representation on 10.12.2021 to the respondents 1 and 2 for the said purpose. Since the representation has not been considered till date, he has filed this writ petition.

3.Heard Mr.I.Pinaygash, learned counsel appearing for the petitioner and Mr.J.John Rajadurai, learned Government Advocate, who



accepts notice on behalf of the respondents 1 and 2.

4.No prejudice will be caused to the official respondents, if the petitioner's representation, seeking for cancellation of the settlement deed, dated 08.03.2021, registered as document No.808/2021, is considered on merits and in accordance with law, after affording a fair hearing to the petitioner, the third respondent and any other necessary party, whom the first respondent deems fit to enquire.

5.For the foregoing reasons, this Court directs the first respondent to consider the petitioner's representation, dated 10.12.2021, seeking for cancellation of the alleged fraudulent settlement deed, dated 08.03.2021, registered as document No.808/2021 and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner, the third respondent and any other necessary party, whom the first respondent deems fit to enquire, including granting them the right of personal hearing, 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/-

Vacation Officer (CS-I)

// True Copy //

/ /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,
District Registrar Office,
Thoothukudi District.
- 2.The Sub Registrar,
Murappanadu Sub Registrar Office,
Thoothukudi District.



+1 CC to M/s.I. PINAYGASH, Advocate (SR-21716[F] dated 27/04/2022)

+1 CC to M/s.SPL.GP. (SR-21878[F] dated 27/04/2022)

W.P.(MD)No.8045 of 2022
26.04.2022

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TP (CO)

KB (17.05.2022) 3P 5C