



*W.P(MD)No.8787 of 2015*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 30.09.2022

CORAM

**THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P(MD)No.8787 of 2015**

S.Rajeswari

... Petitioner

Vs.

1.The District Registrar,  
No.32, K.M.S.K.Chettiar Complex,  
Aranthangi Road,  
Pattukottai – 614 601.

2.The Joint Sub Registrar I,  
Office of the District Registrar,  
No.32, K.M.S.K.Chettiar Complex,  
Aranthangi Road,  
Pattukottai – 614 601.

3.M.Balaji  
4.A.M.Sivaji

... Respondents

**PRAYER :** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to settlement deed, dated 05.11.2013, registered as Document Number 1636 of 2013, in office of the Joint-I, Sub Registrar at Pattukottai, the third respondent herein and quash the same.



*W.P(MD)No.8787 of 2015*

For Petitioner : Mr.R.Rajaraman  
For R-1 & R-2 : M/s.S.Jeyapriya  
Government Advocate  
For R-3 : No Appearance  
For R-4 : Mr.S.Karthik

### **ORDER**

The present Writ Petition has been filed challenging a settlement deed said to have been executed by the petitioner's father in favour of the fourth respondent herein.

2. According to the petitioner, her father A.Marimuthu has executed a registered settlement deed in her favour on 18.10.2010. Thereafter, on 05.11.2013, her father has executed a second settlement deed with regard to the same property in favour of her brother, who is the fourth respondent herein. Thereafter, the petitioner's father has executed a unilateral cancelation of the settlement deed in favour of the writ petitioner on 21.11.2013. The said 21.11.2013 document No.1829/2013, has already been set aside by this Court in W.P(MD)No.8788 of 2015. However, the present writ petition has been filed challenging the second settlement deed executed by the father in favour of his son on 05.11.2013. This Court cannot exercise its jurisdiction under Article 226



*W.P(MD)No.8787 of 2015*

of the Constitution of India for cancelling the settlement deed. However, the petitioner is at liberty to approach the competent civil Court for setting aside the second settlement deed, dated 05.11.2013 in document No.1636/2013.

3. With the above said liberty, the writ petition stands disposed of.

There shall be no order as to costs.

**30.09.2022**

Index : Yes / No  
Internet : Yes / No  
btr

To

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*W.P(MD)No.8787 of 2015*

**R.VIJAYAKUMAR, J.**

btr

Order made in  
**W.P(MD)No.8787 of 2015**

**30.09.2022**