



W.P.(MD)No.22877 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.09.2022

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.22877 of 2022

G.Selvam

... Petitioner

Vs

1.The District Registrar
Registration Department
Karur

2. The Sub Registrar
Velayuthampalayam Sub Registrar's Office
Pugalur Taluk
Karur District

3. Pappathi

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 and 2 herein to strictly follow the amended provisions of section 77A of the Registration Act, 1908 by considering the petitioner's representation dated 15.09.2022

For Petitioner : Mr.V.Balaji

For Respondents: Mrs.S.Jayapriya
Government Advocate



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ORDER

WEB COPY The petitioner has prayed for issuance of a Writ of Mandamus, directing the respondents 1 and 2 herein to strictly follow the amended provisions of section 77A of the Registration Act, 1908 by considering the petitioner's representation dated 15.09.2022

2.Heard Mr.M.V.Balaji, learned counsel appearing for the petitioner and Ms. S.Jayapriya, learned Government Advocate, who takes notice for the respondents. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3.Having regard to the nature of the order proposed to be passed in this Writ Petition, notice to the third respondent is dispensed with.

4.The learned counsel for the petitioner submits that the The Petitioner's father was the adopted son of one Kannamal and Balakrishnan and they executed a Will dated 07.08.1995 in S.No.312/2B measuring an extent of 11 Cents in Punjai Pugalur North Village of Karur District and patta was also issued in his name in Patta No. 16005. Whileso, he died on 11.11.2017 leaving behind the petitioner and his sister Papathi as his legal heirs. Thereafter there was a oral



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partition between them and northern and western portion of the residential house was allotted to her sister Papathi and southern portion of the house and the vacant area was allotted to the petitioner and was in possession and enjoyment of the same. Thereafter the petitioner had executed a settlement deed in Doc. No.134/2021 dated 25.01.2021 in favour of his Son Yuwan Shankar and also executed another settlement deed in the name of his wife in Doc. No.974/2021 dated 26.07.2021. Mutation of records have been done. Thereafter the entire property of the deceased father was partitioned between himself and his sister Papathi. As there was a quarrel with regard to the house the petitioner's sister filed a suit is O.S.No.188 of 2022 on the file of the District Munsif Court, Karur claiming rival title on the basis of the settlement deed. While so, the petitioner's sister made a representation to the first respondent to cancel the settlement deed in Doc.No.134/2021, 974/2021 and 416/2022 during the pendency of the civil suit. While so, the second respondent under the influence from the local politicians cancelled the settlement deed without issuing any notice to the petitioner as per section 77(A) of the Registration Act as amended recently. Though the petitioner has sent reply dated 15.09.2022, the same was not considered, hence the petitioner was constrained to file the present petition.



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5. The learned Government Advocate appearing for the respondents 1 and 2 would submit that the second respondent shall be directed to follow the procedure as contemplated under Section 77(A) of the Registration Act as amended recently and do the needful within the time stipulated by this Court.

6. In view of the above this Court without going into the merits of the case, directs the second respondent to strictly follow the provisions of Section 77(A) of the Registration Act as amended recently in respect of the cancellation of the petitioner's settlement deed as stated above.

7. This Writ Petition stands disposed of with the above directions. No costs.

29.09.2022

Index : Yes/No
Internet: Yes/No
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To

1. The District Registrar
Registration Department
Karur

2. The Sub Registrar
Velayuthampalayam Sub Registrar's Office
Pugalur Taluk
Karur District



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V.BHAVANI SUBBAROYAN, J.

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