



W.P(MD)No.22131 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.08.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.22131 of 2021

and

W.M.P.(MD)Nos.1711 and 7481 of 2021

M.Mahalakshmi

... Petitioner

Vs.

1.The District Collector,
Collectorate,
Madurai.

2.The Thasildhar,
Thirumangalam Taluk,
Madurai District.

3.The Sub Registrar,
Office of the Sub Reregistration,
PWD Complex, 47-48,
Madurai – Virudhunagar Road,
Thirumangalam,
Madurai District.

4.Nagarajan

5.V.Mariammal

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Mandamus, to direct the respondents 1 to 3



W.P(MD)No.22131 of 2021

to consider the petitioner's representation dated 20.11.2021 to declare the mortgaged deed invalid and to restore the petitioner's cancellation of the petitioner's gift deed.

For Petitioner : Mr.D.Deepak Ranjith Kumar

For Respondents : Mr.K.S.Selvaganesan,
Addl. Govt. Pleader for R1 to R3.
Mr.M.Saravanan for R4.
Mr.R.Pon Karthikeyan for R5.

ORDER

Heard the learned counsel on either side.

2.The writ petitioner is the stepmother of the fourth respondent. She had executed a settlement deed in his favour way back in the year 2002. It was later unilaterally cancelled by her in the year 2010. The fourth respondent mortgaged the property in favour of the fifth respondent in the year 2011. The said mortgage was also registered. Seeking cancellation of the said mortgage deed, the present writ petition has been filed.

3.It is well settled that a registering authority cannot cancel any registered document after registration formalities are completed. But what comes in the way of granting relief to the writ petitioner is that the petitioner



W.P(MD)No.22131 of 2021

had filed O.S.No.489 of 2011 on the file of the Sub Court, Thirumangalam seeking the relief of declaration and recovery of possession. The said suit had been dismissed for non-prosecution on 14.12.2016. The petitioner's relief and remedy lies only in restoring the said suit.

4.In this view of the matter, I do not find any ground to grant relief in this writ petition. The writ petition stands dismissed. The other rights of the writ petition are left open. No costs.

12.08.2022

Index : Yes / No
Internet : Yes/ No
ias

To:

- 1.The District Collector,
Collectorate, Madurai.
- 2.The Thasildhar,
Thirumangalam Taluk,
Madurai District.
- 3.The Sub Registrar,
Office of the Sub Reregistration,
PWD Complex, 47-48,
Madurai – Virudhunagar Road,
Thirumangalam,
Madurai District.



WEB COPY



W.P(MD)No.22131 of 2021

G.R.SWAMINATHAN, J.

ias

W.P(MD)No.22131 of 2021

12.08.2022