



W.P.(MD)No.27261 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 02.12.2022

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THE HONOURABLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN

W.P. (MD) No.27261 of 2022

Hema Malini

... Petitioner

Vs.

1.The Joint Sub Registrar,
Madurai North,
Madurai District.

2.The District Registrar,
(Registration Department),
Madurai North,
Madurai District.

... Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the second respondent to remove the word 1st Bit in 'A' schedule property in the document No.2684 of settlement deed, dated 10.08.2018 by considering the petitioner's representation, dated 11.11.2022.

For Petitioner : Mr.R.Alagarsamy

For R1 & R2 : Mr.S.R.A.Ramachandran

Additional Government Pleader



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ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus, directing the second respondent, to remove the word “1st Bit” in 'A' schedule property. in the document No.2684 of settlement deed, dated 10.08.2018 by considering the petitioner's representation, dated 11.11.2022.

2. Heard Mr.R.Alagarsamy, learned counsel for the petitioner and Mr.S.R.A.Ramachandran, learned Additional Government Pleader, who takes notice for respondents. By consent of both the parties, this writ petition is taken up for final disposal at the admission stage itself.

3. The grievance of the petitioner is that the representation submitted by the petitioner seeking rectification in the sale deed, dated 10.08.2018 has not been considered.

4.The learned counsel for the petitioner submitted that the mother of the petitioner has purchased the petition mentioned property by a sale deed dated 08.02.1994. After her demise, the petitioner and her brother were in possession and enjoyment of the said property. The brother of the petitioner also executed a settlement deed in respect of his share in favour of the



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petitioner on 10.08.2018. In the said settlement deed, it is found that the word '1st Bit', which was not found in the original sale deed, has been included.

Therefore, the petitioner made a detailed representation, dated 11.11.2022 to the second respondent seeking removal of the said word. Since no action has been taken on the same, the petitioner has filed the present writ petition with the aforesaid prayer.

5.The petitioner has also filed documents along with this writ petition, under which she claims that she is the owner of the subject property. It is for the respondents to consider the same on merits and in accordance with law.

6. The learned Additional Government Pleader appearing for the respondents, on instructions, submitted that the representation of the petitioner has been considered. The area, in which the petitioner's property is situated, has been bifurcated as Bid-1 and Bid-2 and hence, in the settlement deed, the word 'Bid-1' has been included as the petitioner's property comes under Bid-1 as per the bifurcation. He further submitted that the petitioner, instead of a representation, has to file a rectification deed to rectify the defect in the settlement deed executed in her favour.

7. In view of the above submission, this Court without going into the merits of the matter, directs the petitioner to file a rectification deed along with all necessary documents, within a period of four weeks from the date of receipt



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of a copy of this order. On receiving such deed, the second respondent is directed to consider the same and pass final orders on merits and in accordance with law, after hearing the petitioner and any other necessary party, whom the second respondent deems fit to enquire, within a period of twelve [12] weeks therefrom.

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

02.12.2022

Index : Yes/No
Internet : Yes/No
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To

1. The Joint Sub Registrar,
Madurai North,
Madurai District.
2. The District Registrar,
(Registration Department),
Madurai North,
Madurai District.



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V.BHAVANI SUBBAROYAN, J.

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Order made in
W.P.(MD) No.27261 of 2022

02.12.2022