



WEB COPY

W.P.No.25247 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.25247 of 2016

N.Krishnan

... Petitioner

Vs.

1.The Sub-Registrar,
Sub-Registrar Office,
Avadi,
Chennai – 600 054.

2.K.Suresh

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent to cancel the settlement deed executed by the petitioner in favour of his son the 2nd respondent herein in Doc. No.11980 of 2007 dated 18.10.2007 in Sub Registrar Office, Avadi.

For Petitioner

: Mrs.R.Meenakshi

For R1

: Mr.Abishek Murthy
Government Advocate

For R2

: No Appearance



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ORDER

The relief sought for in the present writ petition is to direct the 1st respondent to cancel the settlement deed executed by the petitioner in favour of his son, the 2nd respondent herein in Doc. No.11980 of 2007 dated 18.10.2007 in Sub Registrar Office, Avadi.

2. The learned counsel for the petitioner states that the petitioner had executed a settlement deed in favour of the 2nd respondent. Due to change of mind, the petitioner has opted for cancellation of the settlement deed. Since the authorities have not entertained his request, the petitioner is constrained to move the present writ petition.

3. That apart, the petitioner is residing in the said property and the 2nd respondent made an attempt to sell the property and that was the reason for initiating action to cancel the settlement deed.

4. The learned Government Advocate appearing on behalf of the 1st respondent brought to the notice of this Court that even in the settlement deed, the petitioner has stated that the property cannot be sold during his life



time and so the life interest of the petitioner had been protected in the settlement deed.

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5. That being the factum, the 2nd respondent cannot sell the property based on the settlement deed executed by the petitioner in favour of the 2nd respondent. Further under the provisions of the Act, if the settlement deed provides life interest of the executor, then the Sub-Registrar may not register any further deed during the life time of the executor of the settlement deed. That being the factum, the interest of the petitioner has been protected in the settlement deed itself. Thus, the relief as such sought for deserves no merit consideration.

6. Accordingly, the Writ Petition stands disposed of. No costs.

16.03.2023

Jeni
Index : Yes
Speaking order
Neutral Citation : Yes

To
The Sub-Registrar,
Sub-Registrar Office,
Avadi, Chennai – 600 054.



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S.M.SUBRAMANIAM, J.

Jeni

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