



W.P.No.22411 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.10.2023

CORAM

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

**W.P.No.22411 of 2021 and
W.M.P.No.23655 of 2021**

T.Sridharan

.. Petitioner

Versus

1. The Sub Registrar,
Harur & Taluk,
Dharmapuri District.

2. Selvam
3. Kannagi
4. Sakthi

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, to call for the records on the file of the first respondent relating to the registration of unilateral cancellation of settlement deed dated 19.02.2010 vide Document No.807/2010 and quash the same as illegal, incompetent and without jurisdiction and issue further direction to the first respondent to remove the encumbrance entries in respect of the unilateral cancellation of settlement deed.



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For Petitioner : Mr.R.Poornima

For Respondents : Mr.Yogesh Kannadasan
Spl.Government Pleader for R1

R2 & R3 – No Appearance

Mr.J.Pradeep for R4

ORDER

The writ petition has been filed seeking to quash the unilateral cancellation of settlement deed dated 19.02.2010 vide Document No.807/2010 and consequently to direct the first respondent to remove the encumbrance entries in respect of the unilateral cancellation of settlement deed.

2 Learned counsel appearing for the writ petitioner would submit that the property measuring to an extent of 1.82 Acres was belonged to the second respondent and subsequently he executed a settlement deed in favour of his wife the third respondent on 12.05.2003 to an extent of 1 Acre. Thereafter he sold the entire extent of 1.82 Acre to the fourth respondent by unilaterally cancelling the settlement deed executed in favour of his wife. Subsequently, the second and third respondents have sold the same property



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to the vendor of the writ petitioner and the writ petitioner has purchased the same. The writ petitioner is now in peaceful possession and enjoyment of the property. The writ petitioner is a bonafide purchaser for a valuable consideration and the fourth respondent, now, relying on the unilateral cancellation of the settlement deed, claiming title over the property. He further submitted that now joint patta stands in the name of the writ petitioner and the fourth respondent. Hence the petitioner seeks to quash the unilateral cancellation of settlement deed and consequently direct the first respondent to remove the encumbrance entries in respect of the unilateral cancellation of settlement deed.

3 Heard the learned counsel appearing for the writ petitioner and the learned Special Government Pleader appearing for the first respondent and the learned counsel appearing for the fourth respondent.

4 A perusal of the records shows that even though the first respondent executed settlement deed in favour of the second respondent, no mutation of revenue records has taken place. Further till the date of sale of



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the property to the fourth respondent, the second respondent was in possession of the entire property. The writ petitioner has also not produced any document to prove that the settlee taken possession and she was in possession and enjoyment of the property settled on her.

5 In view of the above facts, the dispute seems to be purely civil in nature, which can be decided only after recording evidence and the same cannot be decided by the Writ Court.

6 In the result, the writ petition stands dismissed. Consequently connected miscellaneous petition is closed. No costs. However, the petitioner is at liberty to workout his remedy in the manner known to law.

11.10.2023

Index: Yes/No
Internet: Yes/No
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To
The Sub Registrar,
Harur & Taluk, Dharmapuri District.



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P.VELMURUGAN, J.,

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