



W.P.No.26952 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2023

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.26952 of 2021
and W.M.P.No.28384 of 2021

1.G.P.Karthikeyan
2.P.Suresh Kumar

.... Petitioners

-Vs-

1.The Sub-Registrar
Palladam, Thirupur District
Tamil Nadu.

2.District Registrar
Thirupur District, Tamil Nadu.

3.Superintendent of Police
Thiruppur District
Tamil Nadu.

4.Inspector of Police
Palladam, Thiruppur District
Tamil Nadu.

5.Krishnasamy

6.K.Priya

7.K.Vijayakumar

8.K.Parimalam

.... Respondents



W.P.No.26952 of 2021

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the respondents 1 and 2 to consider petitioner representation dated 03.11.2021 and consequently to direct the respondents 1 and 2 to cancel the Settlement deed dated 08.10.2021 as Document No. 15026 of 2021 at SRO Palladam Executed by the 5th to 7th respondents to and in favour of 8th respondent consequentially for bear the official respondent 1 and respondents 5 to 8 by not to create any further encumbrance.

For Petitioner : Ms.Kanimozhi Mathi

For Respondents : Mrs.Akila Rajendran
Government Advocate – for RR 1 to 4

Mr.P.M.Duraiswamy
- for RR 5 to 8

ORDER

The prayer sought for herein is for a Writ of Mandamus to direct the respondents 1 and 2 to consider petitioner representation dated 03.11.2021 and consequently to direct the respondents 1 and 2 to cancel the Settlement deed dated 08.10.2021 as Document No. 15026 of 2021 at SRO Palladam Executed by the 5th to 7th respondents to and in favour of 8th respondent consequentially for bear the official respondent 1 and respondents 5 to 8 by not to create any further encumbrance.



W.P.No.26952 of 2021

WEB COPY

2. In order to cancel the document in Document No.15026 of 2021 registered at Sub Registrar Office, Palladam executed by the respondents 5 to 7 to and in favour of the 8th respondent, the petitioner has filed a complaint-cum-representation to the official respondents, especially the respondents 1 and 2 on 03.11.2021. The same since has not been considered, the petitioner has moved the present writ petition.

3. When the writ petition is taken up for hearing today, learned counsel for the petitioner would submit that, in fact after realizing the mistake committed by the private respondents, they have come forward to make a compromise and a joint memo of compromise was entered into between the petitioner and the respondents 5 to 8. The original joint memo of compromise has been produced before this Court. Relying upon the same, the learned counsel for the petitioner would submit that, since the private respondents are ready and willing to settle the matter, the issue can be referred to the 2nd respondent, before whom both the parties can appear and put forth their case, and based on which let the 2nd respondent take a decision on the representation dated 03.11.2021.

4. Heard Ms.Akila Rajendran learned Government Advocate for the official respondents, who would also submit that the said representation / complaint



W.P.No.26952 of 2021

given by the petitioner dated 03.11.2021 will be considered and decided by the
2nd respondent / District Registrar.

5. Learned counsel appearing for the private respondents would submit that, insofar as the compromise said to have been entered between the parties is concerned, he does not have any instructions. Anyhow, once the matter is directed to be taken up by the District Registrar, before whom the private respondents also would appear and accordingly let it be decided by the District Registrar.

6. I have considered the submissions made by the learned counsel for both sides and have perused the materials placed on record.

7. In view of the factual matrix as projected by the respective learned counsel, this Court is inclined to dispose of this writ petition with the following order.

“ That there shall be a direction to the 2nd respondent to consider the representation of the petitioner dated 03.11.2021 and decide the same after giving an opportunity of being heard to the petitioner as well as the private respondents, where, it is open to the petitioner and the private respondents to put forth their case



W.P.No.26952 of 2021

WEB COPY

including the compromise memo said to have been entered into between the parties and based on the same, the 2nd respondent shall pass necessary orders within a period of eight weeks from the date of receipt of a copy of this order.”

8. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

05.01.2023

1/2

Index : Yes/No
Neutral Citation : Yes/No
Speaking Order / Non-speaking order
KST
To

The Sub-Registrar
Palladam, Thirupur District
Tamil Nadu.

2.District Registrar
Thirupur District, Tamil Nadu.

3.Superintendent of Police
Thiruppur District
Tamil Nadu.

4.Inspector of Police
Palladam, Thiruppur District, Tamil Nadu.



WEB COPY



W.P.No.26952 of 2021

R. SURESH KUMAR, J.

KST

W.P.No. 26952 of 2021

05.01.2023