



WEB COPY



W.P.No.25589 of 2023

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.08.2023

CORAM:

THE HONOURABLE MR. JUSTICE **S.M.SUBRAMANIAN**

W.P.No.25589 of 2023

Famitha Banu

.... Petitioner

Vs

1.The Inspector General of Registration,
No.100, Santhome High Road,
Mulima Nagar, Mandavalipakkam,
Raja Annamalaipuram,
Chennai – 600 028.

2.The Sub Registrar, Kodambakkam,
No.37/5, 5th Street, 100 Feet Road,
Kodambakkam, Chennai – 600 024.

.... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue Writ of Mandamus directing the respondents to remove the remarks marked in the encumbrance certificate for the property situated at D.No.27, 1st street, Kamaraj Colony, Kodambakkam, Chennai – 600 024 within the time limit fixed by this Hon'ble Court.

For Petitioner	:	Mr.D.Gopal Pandi
For Respondents	:	Mr.G.Krishna Raja Additional Government Pleader



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ORDER

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The relief sought for in the present Writ Petition is to direct the respondents to remove the remarks marked in the encumbrance certificate for the property situated at D.No.27, 1st street, Kamaraj Colony, Kodambakkam, Chennai – 600 024.

2.The learned counsel for the petitioner states that her mother Late.Noorjahan Abdul Rahim executed a Settlement Deed for settling her property in favour of the petitioner out of love and affection vide Document No.2761 of 2019 dated 19.07.2019. Thereafter, the petitioner became the absolute owner of the property. The mother of the Writ Petitioner passed away on 27.06.2021. Thereafter, the petitioner came to know about the fact that her mother filed an application to cancel the Settlement Deed under the provisions of Maintenance and Welfare of Parents and Senior Citizen Act, 2007 and the competent authority under the Act had cancelled the settlement deed in proceedings dated 30.12.2020.

3.Once the senior citizens filed an application to cancel the



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Settlement Deed which was made out of love and affection under the Maintenance and Welfare of Parents and Senior Citizen Act, 2007, the authorities competent are empowered to cancel the same by considering the grounds raised by the senior citizen.

4.In the present case, the application submitted by the mother of the writ petitioner was allowed by the competent authority under the Maintenance and Welfare of Parents and Senior Citizen Act, 2007 and the Settlement Deed was cancelled. Therefore, the relief as such sought for in the present writ petition is not entertainable and consequently, the Writ Petition stands dismissed. No costs.

31.08.2023

Index:Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
cse/apd

S.M.SUBRAMANIAN, J.



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cse/apd

To

- 1.The Inspector General of Registration,
No.100, Santhome High Road,
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Raja Annamalaipuram,
Chennai – 600 028.
- 2.The Sub Registrar, Kodambakkam,
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