



WEB COPY

W.P.No.27397 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.27397 of 2022

R.Uthaman

... Petitioner

Vs.

1.The District Registrar,
District Collector Office Complex,
State Bank Road,
Coimbatore – 641 018.

2.The Sub Registrar,
Peelamedu Sub-Registration Office,
No.6/1, Ground Floor,
Jamaraj Road, Red Fields,
Puliangulam, Coimbatore – 641 018.

3.U.Madhanmohan

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 and 2, to consider the petitioner representation dated 26.09.2022 and consequently to direct the respondents 1 and 2 to cancel the Settlement Deed dated 27.05.2010 vide Document No.1834 of 2010 on the file of the 2nd respondent herein executed in favour of the 3rd respondent.



WEB COPY

W.P.No.27397 of



For Petitioner	: Mrs.Rita Chandrasekar for Mr.C.Mohan Raj
For R1 and R2	: Mr.S.Ravichandran, Additional Government Pleader
For R3	: Mr.V.Meenakshi Sundaram

ORDER

The relief sought for in the present writ petition is to direct the respondents 1 and 2 to consider the petitioner representation dated 26.09.2022 and consequently to direct the respondents 1 and 2 to cancel the Settlement Deed dated 27.05.2010 vide Document No.1834 of 2010 on the file of the 2nd respondent herein executed in favour of the 3rd respondent.

2. The petitioner states that he is a senior citizen and admittedly executed a Settlement Deed in favour of the 3rd respondent, who is none other than his son. The petitioner has got other two daughters, who got married and living separately.

3. The grievance of the petitioner is that the 3rd respondent / son is not taking care of him and the property was settled in his favour in entirety



without giving any share to the two daughters of the petitioners. Thus, the petitioner seeks cancellation of the Settlement Deed.

WEB COPY

4. Cancellation of Settlement Deed cannot be made with reference to the grounds raised by the petitioner. It is not in dispute that the Settlement Deed was executed by the petitioner in favour of the 3rd respondent and there is no condition in the Settlement Deed. In the absence of any specific condition in the Settlement Deed, the petitioner now after a lapse of 13 years cannot turn around and submit an application before the Registrar for cancellation of Settlement Deed and there is no provision under the Act to entertain the complaint for cancellation of documents registered.

5. If at all the 3rd respondent is not taking care of the petitioner, he has to approach the competent authority under the Senior Citizen Act.

6. The learned counsel appearing on behalf of the 3rd respondent brought to the notice of this Court that the petitioner is residing in the same premises along with his step mother and he is receiving a rent of about Rs.19,500/-. The 3rd respondent is not causing any disturbance to the



petitioner and he is living peacefully.

WEB COPY

7. The petitioner has already preferred a petition before the competent authority under the Senior Citizen Act and it was also disposed of. The Appeal preferred before the Collector was also disposed of. That being the factum, the petitioner is not entitled for the relief as such sought for in the present writ petition.

8. Accordingly, this writ petition stands dismissed. No costs.

15.06.2023

Jeni
Index : Yes
Speaking order
Neutral Citation : Yes



To

WEB COPY

1. The District Registrar,
District Collector Office Complex,
State Bank Road,
Coimbatore – 641 018.
2. The Sub Registrar,
Peelamedu Sub-Registration Office,
No.6/1, Ground Floor,
Jamaraj Road, Red Fields,
Puliangulam, Coimbatore – 641 018.

W.P.No.27397 of





WEB COPY



W.P.No.27397 of

S.M.SUBRAMANIAM, J.

Jeni

W.P.No.27397 of 2022

15.06.2023