



W.P.No.29116 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2023

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THE HON'BLE MR. JUSTICE P.VELMURUGAN

W.P.No.29116 of 2023

C.Logu

... Petitioner

Vs.

1. The District Collector,
Office of the District Collectorate,
Chengalpattu,
Chengalpattu District.
2. The District Revenue Officer,
Office of the DRO,
Chengalpattu,
Chengalpattu District.
3. The Revenue Divisional Officer,
Office of the RDO,
Chengalpattu,
Chengalpattu District.
4. The District Registrar,
Office of the District Registrar,
Chengalpattu,
Chengalpattu District.
5. The Sub Registrar,



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Office of the SRO,
Thiruporur Taluk,
Chengalpattu District.

6. Magesh

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 1 to 5 respondents to consider the petitioner representation dated 26.08.2023 accordance with law and cancel the settlement deed No.15568 of 2022 dated 14.07.2022 and the settlement deed Doc.No.5530 of 2021 dated 26.03.2021 on the file of the SRO, Tiruporur.

For Petitioner : Mr.K.Duraimurugan
For R1 to R5 : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus, to direct the official respondents to consider the petitioner's representation dated 26.08.2023 in accordance with law and to cancel the settlement deed No.15568 of 2022 dated 14.07.2022 and the settlement deed Doc.No.5530 of 2021 dated 26.03.2021 on the file of the SRO, Tiruporur.

2. It is the contention of the learned counsel for the petitioner that



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the private respondent/6th respondent herein is one of the sons of the writ petitioner. The sixth respondent took the writ petitioner to the Registrar Office by misrepresenting that the writ petitioner has to sign as a witness in the mortgage deed to obtain loan and obtained his signature. Later, the writ petitioner come to know that the document which was signed by him was not a mortgage deed and that he has not signed as a witness and the documents were created as if he has executed the settlement deed for the entire extent of the property in favour of the sixth respondent. Subsequently, the writ petitioner cancelled the settlement deed. Thereafter, the sixth respondent approached this Court by filing Writ Petition in W.P.No.18474 of 2013 for unilateral cancellation of settlement deed executed by the writ petitioner. This Court, vide order dated 02.08.2023, quashed the cancellation deed executed by the writ petitioner. Hence, the petitioner made a representation to the District Collector and the Revenue Divisional Officers to cancel the settlement deed. They have not taken any steps to cancel the settlement deed. Hence, the writ petitioner has filed the present writ petition.

3. Learned Special Government Pleader appearing for the official



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respondents submitted that no representation was made to the appropriate authority and the same was made to the respondents under the ground of care and protection of senior citizen. There is no conditional order in the settlement deed. The respondents are not the competent authorities to cancel the settlement deed.

4. Heard the learned counsel appearing on either side and perused the materials available on records.

5. Admittedly, the Writ Petitioner is the father and sixth respondent is one of the sons of the writ petitioner. The writ petitioner alleged to have executed a settlement deed in favour of the sixth respondent on 14.07.2022 and subsequently, he cancelled the same on 02.05.2023. This Court vide order dated 02.08.2023 in W.P.No.18474 of 2023, quashed the cancellation of settlement deed dated 02.05.2023 registered as Doc.Nos.9 to 11 of 2023 on the file of the fifth respondent stating that the unilateral cancellation of settlement deed is impermissible.

6. On perusal of the records, it is found that the writ petitioner has



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not submitted proper application to the Sub-Registrar, where the cancellation deed was registered. Further this Court, while quashing the cancellation of settlement deed executed by the writ petitioner, has not stated anything about the liberty or other remedies. However, if the writ petitioner is still aggrieved over the issue, he can work out his remedy in the manner known to law.

7. In view of the above facts and circumstances, this writ petition is not maintainable and the same is liable to be dismissed. Accordingly, the Writ Petition is dismissed at the admission stage itself. There shall be no order as to costs.

06.10.2023

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Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No



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P.VELMURUGAN, J.

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