



WP(MD)No.9740 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 19.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.9740 of 2023
and
WMP(MD)No.8582 of 2023

Ganesan

... Petitioner

v.

- 1.The Deputy Inspector General of Registration,
O/o.Deputy Inspector General of Registration,
Ramanathapuram Zone,
Ramanathapuram,
Ramanathapuram District.
- 2.The District Registrar,
O/o.District Registrar,
Ramanathapuram,
Ramanathapuram District.
- 3.The Sub Registrar,
O/o.Sub Registrar,
Velipattinam,
Integrated Registration Office,
Vandikara Street,
Ramathapuram,
Ramanathapuram District.



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4.Santhanakumari

5.Sutha

6.Rasiyabanu

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing the respondents 2 & 3 to conduct enquiry for cancelling the settlement deeds in respect of documents Nos.3232 of 2015, 3233 of 2015 and Settlement Deed in Doc.No.630 of 2022 and Sale Deed in Doc.No.4503 of 2022 on the file of the third respondent by considering the petitioner's representation dated 28.03.2023.

For Petitioner : Mr.D.Balamurugapandi

For Respondents : Mr.P.T.Thiraviam,
Government Advocate
for R.1 to R.3

Mr.J.Barathan for R.4 to R.6

ORDER

The petitioner has filed this writ petition for a mandamus directing the respondents 2 & 3 to conduct enquiry on the issue with regard to the cancellation of the settlement deeds in Doc.Nos.6817 & 6818 of 2013.



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The case of the petitioner is that the settlement deeds registered in favour of this petitioner in Doc.Nos.6817 & 6818 of 2013 were cancelled, at the instance of the Executor, without any notice to the petitioner. In this regard, he has also submitted a representation for enquiry before the second respondent. The same was not considered and therefore, the petitioner has moved this writ petition.

3.Learned Counsel for the petitioner claimed that there is no clause in the Settlement Deeds reserving any right for the Executor to cancel the documents, however, the cancellation has been entertained by the Sub Registrar and the documents have been cancelled without hearing the petitioner.

4.When there is no specific clause reserving the right for cancellation, it is not proper to cancel the Settlement Deeds, at the instance of the Executor, without any notice to the petitioner. Since the petitioner has already made a representation in this regard, the second respondent / District Registrar is



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directed to conduct an enquiry on the representation of the petitioner dated 28.03.2023 and pass appropriate orders, in accordance with law, after affording due opportunity of hearing to the parties concerned, within a period of six weeks from the date of receipt of a copy of this order.

The writ petition is allowed in the above terms. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No
NCC : Yes / No
gk

19.07.2023

To

- 1.The Deputy Inspector General of Registration,
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- 2.The District Registrar,
O/o.District Registrar,
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3.The Sub Registrar,
O/o.Sub Registrar,
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B.PUGALENDHI, J.

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