



W.P.(MD) No.1175 of 2014

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.01.2023

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THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

**W.P.(MD) No.1175 of 2014
and
M.P.(MD) No.1 of 2014**

R.Rengarajan

... Petitioner

/vs./

1.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai.

2.The District Registrar,
Dindigul District.

3.The Second Joint Sub Registrar,
Palani Sub Registrar Office,
Palani,
Dindigul District.

4.Pappal

5.Easwari

6.Manimegalai

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records on the file of the 3rd respondent relating to the impugned deed of unilateral cancellation of settlement dated 04.02.2013, bearing document No.314 of 2013 and the will deed dated 04.02.2013, bearing document No.12 of 2013 and quash the same and consequently issue a direction to the 3rd respondent to restore the petitioner settlement deed dated 29.06.2001, bearing document No.1148 of 2001 on the file of the 3rd respondent.

For Petitioner	: Mr.R.Udhay Akumar
For R1 to R3	: Mr.M.Ramesh
	Government Advocate
For R4 to R6	: Mr.T.A.Ebenezer

ORDER

The writ petition is seeking for a Writ of Certiorarified Mandamus to call for the records on the file of the third respondent relating to the impugned deed of unilateral cancellation of settlement dated 04.02.2013 bearing document No.314 of 2013 and the Will deed dated 04.02.2013 bearing document No.12 of 2013 and quash the same and consequently to issue a direction to the third respondent to restore the petitioner settlement deed dated 29.06.2001 bearing document No. 1148 of 2001 on the file of the third respondent.



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2.The petitioner had challenged the registration of a cancellation of a settlement deed bearing Doc.No.314/2013 dated 04.02.2013 and the registered Will bearing Doc.No.12/13 dated 04.02.2013 and to consequently restore the settlement deed bearing Doc.No.1148/2001 on the file of the third respondent dated 29.06.2001.

3.The said cancellation deed has been executed by one Ammaponnu, who is the mother of the petitioner and the respondents 4 to 6. The said executant had predeceased before filing this writ petition. Hence, the dispute as to whether it has been validly executed could not be gone into this writ petition. However, the petitioner is given liberty to approach the appropriate civil Court to redress his grievance. When the petitioner approaches the appropriate civil Court, the period of pendency of this writ petition, namely, from the date of filing of this writ petition to the date of this order, shall be excluded by the civil Court while calculating the period of limitation, in view of Section 14 of the Limitation Act, 1963.



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4. With the aforesaid liberty, the Writ Petition is disposed of. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

20.01.2023

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To

1. The Inspector General of Registration,
No.100, Santhome High Road,
Chennai.

2. The District Registrar,
Dindigul District.

3. The Second Joint Sub Registrar,
Palani Sub Registrar Office,
Palani,
Dindigul District.



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K.KUMARESH BABU, J.

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