



WEB COPY

W.P. No.1952 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.1952 of 2024 and
W.M.P. No.2066 of 2024

1. R.K.Ramasamy
2. Sundaravalli
3. D.Senthil Murugan
4. D.Manivannan

... Petitioners

Vs.

1. The District Collector
Cuddalore, Cuddalore District
2. The District Registrar
Cuddalore District
3. S.Kannan

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 2nd respondent namely, the District Registrar, Cuddalore District to dispose of the representation submitted by the 3rd petitioner dated 30.06.2023 to cancel the settlement deed dated 01.04.2013 within a stipulated time.

For Petitioners : Mr.A.G.Rajan

For R1 and R2 : Mrs.V.Yamunadevi
Special Government Pleader



ORDER

This Writ Petition is filed seeking a Writ of Mandamus directing the 2nd respondent namely, the District Registrar, Cuddalore District to dispose of the representation submitted by the 3rd petitioner dated 30.06.2023 to cancel the settlement deed dated 01.04.2013 within a stipulated time.

2. The case of the petitioners is that the 3rd respondent's father had already sold his property in favour of the petitioners' family on 03.02.1972 itself and Patta for the said property was also transferred to the name of the petitioners. While being so, suppressing the above said facts, the 3rd respondent has executed a settlement deed in favour of his sons on 01.04.2013. Hence, the 3rd petitioner made a representation before the 2nd respondent on 30.06.2023 to cancel the said settlement deed. However, still no order has been passed. Hence, the present writ petition is filed.

3. Mrs.V.Yamunaevi, learned Special Government Pleader takes notice for the respondents 1 and 2. Since no adverse order is to be passed against the 3rd respondent, notice to the 3rd respondent is dispensed with.

4. It is seen that the 3rd petitioner has given a representation before the 2nd respondent to cancel the settlement deed dated 01.04.2013 which falls under Section 77-A of the Registration Act. Since this Court has already



stayed the enquiry under Section 77-A of the Act, no Registrars can proceed with the enquiry under Section 77-A of the Act. Further, the Larger Bench of this Court has seized of the matter and regarding the applicability and retrospective or prospective effect of the Section 77-A of the Act is pending with the Larger Bench.

5. Under these circumstances, this Court is not inclined to give any directions to the respondents to get on with the enquiry. However, there is no bar for the petitioner to seek civil remedy. The petitioners can either approach the Civil Court challenging the said document or they can wait till the outcome of the decisions of the Larger Bench of this Court.

6. With the above observations, this Writ Petition is disposed of. Consequently, connected Miscellaneous Petition is ordered subject to payment of separate Court fee by the other Writ Petitioners. No costs.

31.01.2024

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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No



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To

1. The District Collector
Cuddalore, Cuddalore District
2. The District Registrar
Cuddalore District



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P.VELMURUGAN. J.

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