



WEB COPY

W.P.No.8137 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.8137 of 2024

S.Neelakandan

...

Petitioner

versus

1.The Inspector General of Registration,
Office of the Inspector General of Registration,
No.100, Santhome High Road,
Chennai - 600 028.

2.The District Collector,
Office of the Collectorate,
Singaravelar Maligai,
Chennai.

3.The Joint-2 Sub-Registrar,
Saidapet-Velacherry Sub-Registrar Office,
Chennai.

4.The Sub-Registrar,
Velacherry Sub-Registrar Office,
Chennai.

5.Dhanasekaran

...

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India,
praying to issue a Writ of Mandamus, directing the fourth respondent to



cancel the Settlement Deed in the Document No.310 of 1989, as per the representation dated 09.02.2024, registered by the fourth respondent.

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For Petitioner : M/s.M.Idhaya Mary
For Respondent Nos.1 to 4 : Mr.L.S.M.Hasan Fizal
Additional Government Pleader
For Respondent No.5 : Set exparte

ORDER

The Writ Petition is filed to direct the fourth respondent to cancel the Settlement Deed in Document No.310 of 1989, by considering the representation of the petitioner dated 09.02.2024.

2. It is the case of the petitioner that he executed the Settlement Deed on 10.03.1989 in favour of his wife and son, namely the fifth respondent. Now, the petitioner, who is a senior citizen, is not taking care of the fifth respondent. Hence, he seeks to cancel the Settlement Deed executed under Section 23(1) of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.



3. Heard the learned counsel for the petitioner and the learned

Additional Government Pleader for the respondents 1 to 4.

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4. I have perused the document. The document is an absolute settlement. The Settlement Deed executed as early as in the year 1989. During the submissions, when the Court posed questions, it is submitted by the learned counsel for the petitioner that the property has been mortgaged by the fifth respondent for more than one crore and availed the mortgaged money. At this stage, this petition has been filed to cancel the settlement deed.

5. The very nature of the relief sought to cancel the document would indicate that it has been filed only to avoid a mortgage. Therefore, the very fact that the fifth respondent remained *ex parte*, who is not appeared before this Court. Despite notice served also clearly gives rise to the inference that this Writ Petition has been filed only for some other purpose to defeat the rights of the mortgagee.



6. In such view of the matter, I do not find any merits in the Writ

Petition. Accordingly, this Writ Petition is dismissed. No costs.

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14.06.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

sri

To

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N.SATHISH KUMAR, J.

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