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W.P.No.13214 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.05.2024

CORAM:

THE HONOURABLE MR. JUSTICE V.LAKSHMINARAYANAN

W.P.No.13214 of 2024

and

W.M.P.No.14361 of 2024

R.Sambasivam
S/o. S.Ramakrishnan

...Petitioner

Vs

1. The Sub Registrar
Kodambakkam Registrar's Office,
Kodambakkam, Chennai – 600 024.

2. S.Devi Prasadh
S/o R.Sambasivam

3. The Revenue Divisional Officer
Chennai Central
Chennai-600 101.

...Respondents

* Third respondent is suo-motu impleaded
vide order dated 30.05.2024 in W.P.No.13214 of 2024

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to “Refusal Check Slip” in No.RFL/Kodambakkam/65/2024 dated 10.04.2024 issued by respondent – 1, quash the same and consequently direct the 1st respondent to accept the Deed of Cancellation of Settlement



W.P.No.13214 of 2024

Deed over property Door Old 26A, New No.66, Old Paimash Nos.1224, 1225 & 1228, New Paimash No.568/1, Block No.46, Patta C.A.No.191/91-92 as per patta T.S. 12/5, in No.109, Puliur Village, Egmore -Nungambakkam Tk., Chennai.

For Petitioner : Mr.T.K.S.Gandhi

For Respondents : Mr.L.S.M.Hasan Faizal,
Additional Government Pleader
for R1
Mrs.V.Yamunadevi
Special Government Pleader
for R3

ORDER

Though the petitioner seeks for a certiorari to cancel the Refusal Check Slip issued by the first respondent, on going through the impugned order, it is clear that the petitioner wants unilateral cancellation of the settlement deed. The settlement deed being a document of conveyance cannot be cancelled unilaterally. However, the petitioner is not without any recourse.

2. The allegation is that the second respondent, who is the son is not maintaining his father (petitioner). The remedy is available to the petitioner under the provisions of the Maintenance and Protection of



W.P.No.13214 of 2024

WEB COPY

Senior Citizens Act, 2002. He has already invoked the said provision by way of representation to the Revenue Divisional Officer, Chennai Central on 07.01.2021.

3. The learned counsel for the petitioner would submit that the said representation is still pending without any progress.

4. Taking into consideration the overall circumstances of the case, this Court suo-motu impleads the Revenue Divisional Officer, Chennai Central as the third respondent to the writ petition.

5. Mrs.V.Yamunadevi, learned Special Government Pleader takes notice for the newly impleaded third respondent. She would submit that the petitioner's representation dated 07.01.2021 will be disposed of within a period of four months.

6. The said statement of Mrs.Yamuna Devi is taken on record.

7. Therefore, the newly impleaded third respondent is directed to



W.P.No.13214 of 2024

conduct an enquiry in terms of the Maintenance and Protection of Senior Citizens Act, 2002 and pass orders, after hearing the second respondent within a period of four months from the date of receipt of a copy of this order.

With the above directions, this Writ Petition is disposed of. Consequently, connected miscellaneous petition is closed. No costs.

30.05.2024

Index: Yes
Non-speaking order
Neutral Citation : No

mk

To

1. The Sub Registrar
Kodambakkam Registrar's Office,
Kodambakkam, Chennai – 600 024.
2. The Revenue Divisional Officer
Chennai Central
Chennai-600 101.

V.LAKSHMINARAYANAN.J.,



WEB COPY



W.P.No.13214 of 2024

ssa/mk

W.P.No.13214 of 2024

30.05.2024