



WEB COPY



WP.No.16060 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **21.06.2024**

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.16060 of 2024

A.Sharfuddin

.. Petitioner

Versus

1. The District Collector,
Thiruvannamalai District, Thiruvannamalai.

2. The District Registrar,
O/o.District Registrar, Cheyyar, Thiruvannamalai District.

3. The Revenue Divisional Officer,
Cheyyar, Thiruvannamalai District.

4. The Sub-Registrar, O/o.the Sub Registrar,
Vandavasi, Thiruvannamalai District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to take necessary legal measures to consider the representation of the petitioner dated 20.04.2024 and to cancel the settlement deed document No.611/2014 dated 12.12.2014 registered in the Office of the fourth respondent.

For Petitioner : Mr.K.Gokulram



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For Respondents : Mr.G.Ameeius
Government Pleader – R1 & R3

Mr.Yogesh Kannadasan,
Special Government Pleader – R2 & R4

ORDER

With the consent of both sides, this Writ Petition is taken up for final disposal at the admission stage itself.

2. This Writ Petition is filed to direct the respondents to take necessary legal measures to consider the representation of the petitioner dated 20.04.2024 and to cancel the settlement deed document No.611/2014 dated 12.12.2014 registered in the Office of the fourth respondent.

3. Heard learned counsel for the petitioner and the learned Government Advocate appearing for the respondent 1 and 3 and the Special Government Pleader appearing for the respondents 2 and 4 and perused the materials available on record.

4. The case of the petitioner is that the petitioner along with his second



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wife executed a settlement deed on 12.02.2014 in favour of his children who were born through his two wives and since, his children were minor, at the time of execution of the settlement deed, he appointed his brother as a guardian to his minor children. While so, his brother died on 23.09.2019. The grievance of the petitioner is that as the whereabouts of his first wife and the children born through his first wife is not known to him, he seeks to cancel the settlement executed on 12.02.2014. In this regard he has given a representation to the second respondent and the second respondent vide his letter dated 29.11.2018 has refused to cancel the same. Thereafter, he made a representation to the first respondent on 27.07.2023 and the same has not been considered by the first respondent. Hence, the present Writ Petition.

5. At the outset, this Court is of the view that, these type of Writ Petitions are nothing but abuse of process of law. If any document has to be assailed, the same has to be done in the manner provided under law. It cannot be cancelled as per whims and fancies of the parties. As far as registering authorities are concerned, they have power to cancel any document only under section 77A and now, after amendment, if the document fall within the ambit of forged instrument or any other document registered contrary to Section 22A and 22B under the Registration Act. Further, the petitioner also do not come



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under the purview of Maintenance and Welfare of Parents and Senior Citizens

Act to invoke jurisdiction. In such view of the matter, by giving a representation, the petitioner cannot seek any relief before the Writ Court. Hence, I do not find any merits in this Writ Petition and the same is liable to be dismissed.

6. Accordingly, this writ petition is dismissed. No costs.

21.06.2024

vrc

Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No

To,

1. The District Collector,
Thiruvannamalai District, Thiruvannamalai.
2. The District Registrar,
O/o.District Registrar, Cheyyar, Thiruvannamalai District.
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N. SATHISH KUMAR, J.

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