



WEB COPY



WP.No.17125 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **02.07.2024**

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.17125 of 2024

Chandrasekaran

.. Petitioner

Versus

1. The Sub Registrar,
Gengavalli, Salem District.

2. Minor M.Karthik
Rep. by his father / NF / Guardian
C.Manikandan

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus Calling for the records relating to the impugned refusal check slip vide RFL / Gengavalli / 43 / 2023 dated 03.11.2023 issued by the first respondent and set aside the same subsequently direct the first respondent to register the cancellation of settlement deed dated 05.10.2023 executed by the petitioner.

For Petitioner : Mr.A.G.Narasimhan

For Respondents : Mr.M.Shajahan
Special Government Pleader – R1



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WEB COPY Since, no adverse Order has been passed against the second respondent, notice to him is dispensed with. With the consent of both sides, this Writ Petition is taken up for disposal at the admission stage itself.

2. Challenging the impugned refusal check slip vide RFL / Gengavalli / 43 / 2023 dated 03.11.2023 issued by the first respondent and subsequently to direct the first respondent to register the cancellation of settlement deed dated 05.10.2023 executed by the petitioner, the present Writ Petition has been filed.

3. Heard learned counsel for the petitioner and the learned Special Government Pleader appearing for the first respondent and perused the materials available on record.

4. The case of the petitioner is that originally, the petitioner had executed a settlement deed in favour of his grandson, the second respondent herein, by appointing the son of the petitioner as his guardian on 11.06.2014 and the settlement deed has also been registered. As the son of the petitioner has failed to take care of the petitioner and the second respondent, the petitioner executed cancellation of settlement deed and when it was presented



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for registration, the same has been refused to be registered directing the petitioner to approach Civil Court. Challenging the same, the present Writ Petition has been filed.

5. At the outset, this Court is of the view that when the property has already been transferred in the name of the minor, without seeking any permission of the Court, the guardian cannot act against the minor and divest the title of the minor. In the event, the petitioner wants to cancel the document, it is for him to work out his remedy in the manner known to law. Hence, I do not find any merits in this Writ Petition.

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

02.07.2024

vrc

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

To,

The Sub Registrar,
Gengavalli, Salem District.



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N. SATHISH KUMAR, J.

VRC

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