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W.P. No.26201 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2024

CORAM:

**THE HON'BLE MR. JUSTICE G.K. ILANTHIRAIYAN**

W.P. No.26201 of 2022

Vittobai

... Petitioner

vs.

1. The District Revenue Officer,  
Central Madras Division,  
Anna Nagar West Extension,  
Chennai-600 101.

2. The Sub-Registrar,  
Virugambakkam,  
Chennai.

3. Kannan

4. Saravanan

... Respondents

**Prayer :** Writ Petition is filed under Article 226 of Constitution of India to issue a writ of Mandamus directing the second respondent to cancel the settlement deeds No.2160 of 2015 dated 23.03.2015 and 3708 of 2018 dated 27.06.2018 registered in his office based on the order passed by the first respondent on 08.03.2022 vide Na.Ka.No.500/2022/A4 pertaining to the house property being 626 Sq.ft., and 619 Sq.ft., with building being part of Plot No.1, Sri Venkatesh Nagar, Sri Sai Nagar, 3rd Main Road of Virugambakkam Village comprised in s.No.16 and Old S.No.16/2, T.S.No.104/3 lying within the limits of Corporation of Chennai.



W.P. No.26201 of 2022

For Petitioner : Mr.R.Sreedhar

For Respondents 1 & 2 : Mr. S.J.Mohammed Sathik  
Government Advocate

For Respondent 3 : Mr.R.Jayaprakash

### **ORDER**

This writ petition has been filed challenging the order passed by the Revenue Divisional Officer, Central Madras Division, Chennai dated 08.03.2022 thereby accepted the complaint lodged by the petitioner and directed the 2nd respondent to cancel the settlement deed executed by the petitioner in favour of the 3rd and 4th respondents.

2. The petitioner failed to implead the Revenue Divisional Officer, Central Madras Division, Chennai as respondent who passed the order impugned in this writ petition. But, the petitioner wrongly impleaded the The District Revenue Officer, Central Madras Division, Anna Nagar West Extension, Chennai-600 101 as first respondent.



W.P. No.26201 of 2022

WEB COPY

3. The petitioner is the mother of respondents 3 and 4 herein. The petitioner purchased the property ad-measuring 1245 Sq.ft., comprised in S.No.16 and Old S.No.16/12, T.S.No.104/3 situated at Plot No.1, Sri Venkatesh Nagar, Sri Sai Nagar, 3rd Main Road of Virugambakkam Village, Chennai from one Munusamy and others vide registered sale deed dated 15.12.1965. The petitioner gave birth to the respondents 3 and 4 and out of love and affection she had executed settlement deeds in their favour. The property admeasuring 626 Sq.ft., executed in favour of the 3rd respondent and the property admeasuring 619 Sq.ft., has settled in favour of the 4th respondent vide document No.2160 of 2015 and document No.3708 of 2018 dated 23.03.2015 and 27.06.2018 respectively. However, the respondents 3 and 4 after execution of settlement deed, they failed to maintain the petitioner and they did not care about the petitioner and she was driven out from their house. The petitioner suffered without any support from the 3rd and 4th respondents even for her livelihood. Therefore, the petitioner lodged complaint under section 23(2) of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 before the Revenue Divisional Officer, Chennai. The Revenue Divisional Officer, Chennai after issuance of notice to the 3rd



W.P. No.26201 of 2022

and 4th respondents and after due enquiry, allowed the complaint lodged by the petitioner. However, instead of declaring the settlement deeds as void, the first respondent directed the second respondent to cancel the settlement deeds executed in favour of the 3rd and 4th respondents. The second respondent is being a registering authority, has no power to cancel the documents which were registered in its office. The 2nd respondent can only record a note of cancellation in the copy of document and index whenever order is received from the appropriate authority. However, the order passed by the Revenue Divisional Officer, Chennai has been made in the book of records.

4. Therefore, insofar as the direction issued to the 2nd respondent to cancel the settlement deeds executed in favour of the respondents 3 and 4 alone cannot be sustained and liable to be set aside and the settlement deeds executed in favour of the 3rd and 4th respondents are hereby declared as void. The 3rd and 4th respondents shall hand over the possession of the subject property to the petitioner forthwith. However, if the 3rd and 4th respondents are refused to hand over the possession of the subject property, the petitioner can approach the jurisdictional police for police aid. On the said request, the jurisdictional police is directed to



W.P. No.26201 of 2022

give police protection while implementing the order passed by this Court.

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5. With the above direction, this writ petition is allowed. No costs.

12.06.2024

Index: Yes/No

Internet: Yes/No

Speaking Order/Non-Speaking Order

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WEB COPY



W.P. No.26201 of 2022

**G.K. ILANTHIRAIYAN, J.**

gvn

To

1. The District Revenue Officer,  
Central Madras Division,  
Anna Nagar West Extension,  
Chennai-600 101.
2. The Revenue Divisional Officer,  
Central Madras Division,  
Chennai.
3. The Sub-Registrar,  
Virugambakkam,  
Chennai.

W.P. No.26201 of 2022

12.06.2024