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W.P.No.30648 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2024

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.30648 of 2024

C.Sundarraaj

...Petitioner

Vs.

1. The Sub Registrar,
Madukkarai Sub Registrar Office,
Madukkarai, Coimbatore,
Coimbatore District.
2. Subbathal
3. Parvathi

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the impugned show cause notice 11.09.2024 in pending document No.P99/2024 on the filed of the first respondent and quash the same and direct the first respondent to release the settlement deed dated 10.09.2024 bearing document No. P99/2024 on the file of first respondent, Madukkarai.

For Petitioner : Mr.K.Prabhakaran

For R1 : Mr.M.Shahjahan
Special Government Pleader

For R2 : Mr.P.K.Rajagopal



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ORDER

This writ petition is filed challenging the notice issued by the first respondent calling the petitioner for enquiry in connection with a protest petition submitted by the second respondent.

2. It is the case of the petitioner that the property measuring to an extent of 7 acre comprised in survey no. 299/1, Tirumalaiyampalayam, Coimbatore South Taluk, Coimbatore District, originally belonged to the petitioner's father Chinna Ayyasamy under sale deed dated 20.09.1978 and he died on 20.02.1998 leaving behind the petitioner, his mother / second respondent herein and his sister by name Rajalakshmi. Later, the second respondent and the petitioner's sister executed a registered release deed dated 22.08.2005 in favour of the petitioner, releasing their 2/3 share in the property. Thus, the petitioner became absolute owner of the same. Later, the second respondent filed an application in petition No.118 dated 04.11.2019 under the Maintenance and Welfare of Parents and Senior Citizen Act, seeking cancellation of the release deed. Based on the same, the Revenue Divisional Officer cancelled the release deed dated 22.08.2005. The said order was



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challenged by the petitioner before the District Collector, who confirmed the order passed by the Revenue Divisional Officer. Aggrieved by the same, the petitioner filed a writ petition in WP.No.19182 of 2023, which was allowed by setting aside the order passed by the Revenue Divisional Officer as confirmed by the District Collector. Thus, the order passed by the Revenue Divisional Officer cancelling the release deed executed by the second respondent in favour of the petitioner was set aside. In the meantime, the petitioner executed a settlement deed settling 2/3 share in favour of his wife. After allowing of the writ petition by this Court, the petitioner executed another settlement deed settling the remaining 1/3 property in favour of his wife and presented the same for registration before the first respondent. The second respondent herein filed a protest petition raising objection to register the settlement deed executed by the petitioner settling remaining 1/3 share in favour of the second respondent. The first respondent issued the impugned notice to the petitioner calling for enquiry in respect of the protest petition. Aggrieved by the same, the petitioner is before this Court.

3. Heard Mr.K.Prabhakaran, learned counsel appearing for the petitioner and Mr.M.Shahjahan, learned Special Government Pleader, who takes notice for the first respondent and Mr.P.K.Rajagopal, learned counsel appearing for



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the second respondent and perused the materials placed before this Court.

4. The order impugned in this writ petition is only a show cause notice issued to the petitioner to attend enquiry so as to decide the protest petition filed by the second respondent. Hence, it is for the petitioner to appear before the first respondent and put forth his case with supporting documents. The petitioner is not at all aggrieved by this order and it is for the first respondent to consider the request of the petitioner on its own merits and pass final orders in the protest petition filed by the second respondent.

5. Therefore, the petitioner is directed to appear before the first respondent and submit his case with supporting documents. The first respondent is directed to complete the enquiry and pass final orders in the protest petition filed by the second respondent within a period of four weeks, from the date of receipt of this order, after giving due opportunity to the petitioner and the second respondent.

6. With the above direction, this Writ Petition is disposed of.
No costs.

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Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
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To

The Sub Registrar,
Madukkarai Sub Registrar Office,
Madukkarai, Coimbatore,
Coimbatore District.



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S. SOUNTHAR, J.

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