



WEB COPY



W.P.No.34074 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.No.34074 of 2024
W.M.P.No.36893 & 36895 of 2024

V.Banumathi

...Petitioner

Vs

1.The Inspector General,
Registration Department,
Santhome, Chennai.

2.The Sub Registrar,
Sub Registrar Office,
Neelankarai.

3.The Manoharan

...Respondents

PRAYER :-Writ Petition filed under Article 226 of the Constitution of India, pleased to issue Writ of Certiorarified Mandamus, to call for the records relating to Unilateral Cancellation of Settlement deed vide Document no.2453 of 2011 dated 25.04.2011 on the file of the Sub Registrar, Sub Registrar office, Neelankarai, Executed by petitioner's mother and consequentially quash the same and consequentially direct the 2nd respondent to remove the connected entries in the register.

For Petitioner : Mr.R.Venkatesh

For Respondents : M/s.C.MeeraArumugham(For R1 & R2)
Additional Government Pleader
Mr.Thiru Saravanan for R3



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ORDER

The present Writ Petition has been filed seeking to call for the records relating to Unilateral Cancellation of Settlement deed vide Document no.2453 of 2011 dated 25.04.2011 on the file of the Sub Registrar, Sub Registrar office, Neelankarai, Executed by petitioner's mother and consequentially quash the same and consequentially direct the 2nd respondent to remove the connected entries in the register.

2.It is the case of the petitioner that the subject property was purchased by his father T.M.Ramachandran under a registered a sale deed dated 12.07.1956. His father died intestate on 18.05.1994 leaving behind him surviving the petitioner and his mother and four other legal heirs. Each of them were therefore entitled to 1/6th share in the property. The petitioner's mother Saroja out of her love and affection had executed a irrevocable settlement deed in favour of the petitioner dated 17.02.2011. The petitioner's contention is that he has been in possession since then, his mother had passed away on 21.04.2013. On 22.06.2024, when he had applied for a encumbrance certificate he was shocked to learned that his mother had cancelled the settlement deed within a period of two months from the date of execution of the settlement deed. The



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execution of Cancellation deed is on 25.04.2011, she has on the very same day executed a settlement deed in favour of the third respondent.

The petitioner has therefore filed the above Writ Petition to call for the records relating to the unilateral cancellation of the settlement deed and consequently direct the second respondent to remove the connected entries.

3.The third respondent has filed a counter, *inter alia*, contending that the petitioner has approached this Court with unclean hands. He would submit that the following cases are pending in respect of the subject property:-

S.No	Case No	Court	Stage	Previous HG	Next HG
1	O.S.A.No.229/2023	High Court	Notice of Motion	01.12.2024	3 weeks
2	O.S.No.5315/2019	XXII Addl City Civil Judge	Trial	10.12.2024	22.01.2025
3	A.S.No.195/2021	Sub Judge, Alandur	Trial	21.11.2024	20.12.2024
4	A.S.No.262/2021	Sub Judge, Alandur	Trial	04.11.2024	21.01.2025
5	O.S.No.306/2018	A.D.J, Chengalpattu	Amendment	13.12.2024	04.02.2025
6	C.C.No.5714/2023 (Criminal)	Metropolitan Magistrate,	Evidence	05.12.2024	20.12.2024



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<i>S.No</i>	<i>Case No</i>	<i>Court</i>	<i>Stage</i>	<i>Previous HG</i>	<i>Next HG</i>
.	case against the petitioner in the writ	Egmore for CCB Cases			

4. Therefore, the contention of the petitioner that she was not aware about the cancellation of the settlement deed till date is to say the list absurd. The third respondent would further submit that in such circumstances, the Writ Petition should be dismissed.

5. The very reading of the affidavit filed in support of the Writ Petition and the counter affidavit of the third respondent, it is very clear that serious issues regarding title has to be gone into. This is a issue which has to be settled by a Civil Court where parties can adduce evidence and therefore the Civil Court would be a competent Court to decide the right, title and interest of both parties and the legality or otherwise of the cancellation of the settlement deed by the deceased mother of the petitioner.



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WEB COPY 6. Accordingly, the Writ Petition is dismissed. Consequently,
connected miscellaneous petitions are closed. No costs.

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Index : Yes/No
Internet : Yes/No
Speaking Order/Non Speaking Order
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P.T.ASHA, J,

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To

1.The Inspector General,
Registration Department,
Santhome, Chennai.

2.The Sub Registrar,
Sub Registrar Office,
Neelankarai.

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