



W.P.No.34087 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.11.2024

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 34087 of 2024

R.Rajan

...Petitioner

Vs.

1.The Tahsildar
Coonoor Taluk Office,
Coonoor, Nilgiris District,
Tamil Nadu.

2.The Sub Registrar
Coonoor Sub Registrar Office,
Coonoor, Nilgiris District,
Tamil Nadu.

3.R.Kalavathi

4.R.Indumathi

5.R.Geetha

...Respondents



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Prayer: Writ Petition is filed under Article 226 to issue a Writ of Mandamus, directing the respondent to dispose of the representation dated 11.01.2024 take all necessary actions regarding the cancellation of the invalid and fraudulent gift settlement deed executed in respect of the petitioner's property and the discrepancies in the distribution of property among the heirs.

For Petitioner : Ms. R.Abirami

For Respondent 1 : Mr. P.Sathish
Additional Government Pleader.

For Respondent 2 : Mr. M.Shahjahan
Special Government Pleader.

ORDER

The Writ Petition seeks a mandamus to the 1st respondent to dispose of the representation dated 11.01.2024.



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2. It is the case of the petitioner that his father one Ramasamy owned lands, measuring an extent of 0.94 acres in Old S.No.85/A and 85/B, R.S.Nos.81/3 and 81/4, situated in Ullikal No.1 Village, Coonoor Taluk, Nilgiris District and S.F.No.801/6, Door No.12/39, Kilinjada, Adhikaratty Village, totalling 1.60 acres. The petitioner's father passed away on 01.02.1998.

3. The petitioner would submit that when he visited the above said land, i.e., 0.94 acres in Old S.No.85/A and 85/B and R.S.Nos.81/3 and 81/4, situated in Ullikal No.1 Village, Coonoor Taluk, Nilgiris District, he came to know that one Valli, from Thoothur Mattam Village, purchased the said property. The petitioner was shocked as it their family who was cultivating the said land.

4. Therefore, the petitioner applied for encumbrance certificate. On perusing the encumbrance certificate, the petitioner came to know that a gift settlement deed was executed by his father in favour of the petitioner's sisters, namely, Kalavathy, Indhumathi and Geetha on



30.03.1998. The petitioner would submit that the said gift settlement deed is fraudulently created by his sisters, since his father had died on 01.02.1998, a month before the execution of the gift settlement deed.

5. The petitioner would submit that pursuant to the said gift settlement deed, his sisters jointly leased the property to one Sampath on 11.11.2005, for a period of 13 years, vide lease agreement in Doc.No.1775/2005. Thereafter, the said Sampath executed a sale deed on 23.12.2008 in favour of one Valli, who is now in possession of the said property.

6. The petitioner would further submit that his sisters and other legal heirs have fraudulently alienated another portion of land measuring 15 cents without obtaining property Chekupanthi.

7. The petitioner submits that he sent a representation dated 11.01.2024 to the 1st respondent outlining the illegalities surrounding the disputed property and requested cancellation of the fraudulent gift



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settlement deed. However, to date no steps have been taken.

Therefore, the petitioner is before this Court.

8. Heard the learned counsels on the either side and perused the records.

9. Considering the facts and circumstances of this case, a mandamus is issued to the 1st respondent to consider the petitioner's representation dated 11.01.2024 and pass orders on merits, within a period of 8 weeks from the date of receipt of a copy of this order. In case of a rejection, speaking orders shall be passed. The said exercise shall be completed within a period of 8 weeks, from the date of receipt of a copy of this order.

10. The Writ Petition is allowed. No costs.

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Index : Yes/No
Internet : Yes/No
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To

1.The Tahsildar
Coonoor Taluk Office,
Coonoor, Nilgiris District,
Tamil Nadu.

2.The Sub Registrar
Coonoor Sub Registrar Office,
Coonoor, Nilgiris District,
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P.T. ASHA, J,

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