



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.11954 of 2024
and W.M.P.No.13041 of 2024

P.Vinoth Kumar

...

Petitioner

versus

1.The IG of Registration,
Santhome, Chennai.

2.The Sub Registrar Office,
Redhills SRO,
Tiruvallur District.

3.A.Gengadurai

4.G.Babu

5.D.Nagaraj

...

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 1st respondent to cancel the settlement deed which is owned by 4th respondent vide registration No.3593 of 2017 dated 11.07.2017 before the 2nd respondent.

For Petitioner : Mr.S.Natarajan

For Respondent Nos.1 & 2 : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER



By consent of both sides, this Writ Petition is disposed of at the stage of admission itself.

2. The Writ Petition is filed to direct the first respondent to cancel the Settlement Deed, which is owned by the fourth respondent *vide* Registration No.3593 of 2017 dated 11.07.2017.

3. It is the case of the petitioner that the third respondent has availed hand loan in the year 2014 and handed over the original document and he has also promised that he will sell the property to the petitioner in the event he is not able to pay the loan amount. However, contrary to that he has executed a Settlement Deed in favour of his son. Therefore, the petitioner gave representation dated 03.10.2023 to the official respondent to cancel the Settlement Deed.

4. Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents 1 and 2 and perused the materials available on record.



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5. On perusal of the affidavit filed in support of this writ petition, this Court is of the view that the prayer itself is misconceived because the alleged loan transaction took place in the year 2014 and the so-called representation was given in the year 2023. Therefore, merely on the basis of the so-called loan transaction, one cannot restrain the original owner from dealing the property. If at all any cause of action survives, it is for the petitioner to work out the remedy in the Civil Court for recovery of the amount and not for cancellation of the document.

6. In such view of the matter, I do not find any merits in the Writ Petition. Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

03.06.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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N.SATHISH KUMAR, J.

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To

- 1.The IG of Registration,
Santhome, Chennai.
- 2.The Sub Registrar Office,
Redhills SRO,
Tiruvallur District.

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