



W.P.No.522 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2024

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

W.P.No.522 of 2024

S.Mohana Sundari alias Kalaiyarasi

... Petitioner

Vs.

1. The Inspector General of Registration,
Santhome High Road,
Mylapore,
Chennai – 600 004.

2. The Sub Registrar,
SRO, Avarapakkam,
Tindivanam,
Villupuram District.

3. The Deputy Superintendent of Police,
(Land Grabbing Cell),
District Crime Branch,
Villupuram District.

4. J.Elango

5. Kamatchi

6. Lakshmi

7. Meena

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the first respondent to cancel the registered sale deed vide doc.No.754 dated 09.03.2015 situated at Survey No.155/1 Dhadapuram village, Avarapakkam SRO, Tindivanam Taluk, Villupuram District.

For Petitioner	: Mr.S.Natarajan
For R1 & R2	: Mr.R.Neethi Perumal Government Advocate
For R3	: Mr.Sugendran Additional Public Prosecutor
For R4	: R.Natarajan
For R5	: No appearance
For R6 & R7	: Not ready in notice

ORDER

This Writ Petition has been filed to issue a Writ of Mandamus, to direct the first respondent to cancel the registered sale deed, vide Doc.No.754 dated 09.03.2015 situated at Survey No.155/1 Dhadapuram village, Avarapakkam SRO, Tindivanam Taluk, Villupuram District.

2. Heard the learned counsel appearing for the petitioner and the



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learned Government Advocate appearing for the respondents 1 and 2, the learned Additional Public Prosecutor appearing for the third respondent and the learned counsel for the fourth respondent and perused the materials available on record.

3. Learned counsel for the petitioner submitted that the petitioner's grandfather executed a settlement deed in her favour when she was minor. Later, the same was cancelled unilaterally. After attaining majority, she filed a civil suit in O.S.No.22 of 2012 on the file of the District Munsif Court, Tindivanam. On the assurance given by the grandfather and father of the petitioner, the petitioner did not prosecute the suit. Hence the trial court dismissed the suit for default and further she has not taken steps to restore the same.

4. The official respondents filed their counter affidavit stating that the petitioner has already filed the suit for declaration and the same was dismissed for default and she has not taken any steps to restore the same. Further, it is stated that registration of unilateral cancellation of



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settlement is not prohibited under the Registration Act, 1908. Further it is submitted that pursuant to the directions of this Court, all the District Registrars in Tamil Nadu have been directed not to take any further action on the application under Section 77-A of the Registration Act.

5. Learned counsel for the private respondent submitted that the petitioner has suppressed the materials fact that she has already filed a civil suit challenging the cancellation of settlement deed as null and void. The said suit was dismissed 19.07.2013. No steps have been taken by the petitioner either to file a restoration petition or to file appeal. Further, the petitioner has filed the suit for declaration and partition before the Sub Court, Tindivanam and the same is pending. No parallel adjudication on the same claim is admissible.

6. Admittedly, the petitioner has filed the suit in O.S.No.22 of 2012 on the file of the District Munsif Court, Tindivanam for declaration, to declare the cancellation of settlement deed as null and void and the same was dismissed for default. It is the contention of the private



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respondent/R4 that the petitioner has filed another suit in O.S.No.169 of 2021 on the file of the Principal Sub Court, Tindivanam for partition and the same is pending. It is the contention of the petitioner that property covered under the settlement deed was not covered under the suit for partition filed before the Subordinate Court. However, the petitioner has already approached the civil Court for the same relief, and subsequently, the suit was dismissed for default. The said fact is also mentioned in the affidavit filed by the petitioner. Hence the petitioner is not entitled to the relief sought for in the writ petition. The petitioner has not approached the Court with clean hands.

7. In view of the above facts and the submissions made, the writ petition is dismissed. There shall be no order as to costs.

13.02.2024

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Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No



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To
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P.VELMURUGAN, J.

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